



AGENDA REPORT

Department: Engineering & Public Works Department
Prepared by: Tirza Gonzales, Operations Manager
Meeting Date: Tuesday, November 19, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Approval of a Construction and Maintenance Agreement with San Diego Metropolitan Transit System to allow National City to Use a Portion of the 8th Street Transit Center Parking Lot for the Construction and Use of a Covered Storage Area with Solar Charging

RECOMMENDATION:

Adopt a Resolution Entitled, "Resolution of the City Council of the City National City, California, Authorizing the Mayor to Execute a Construction and Maintenance Agreement with San Diego Metropolitan Transit System for Use of a Portion of the 8th Street Transit Center Lot for Construction and Operations Related to the Free Ride Around National City Neighborhood Electric Vehicle Shuttle Program."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

The Clean Mobility Options (CMO) Voucher Pilot Program is an initiative of the California Air Resources Board funded by the California Climate Investment Program. Its primary goal is to provide funding for zero-emission shared mobility options to underserved communities in California.

On August 3, 2021, the City Council adopted Resolution No. 2021-104 authorizing the City's participation in the CMO Voucher Pilot Program from the California Air Resources Board for the Free Ride Around National City (FRANC) Neighborhood Electric Vehicle (NEV) Shuttle Program (the "FRANC").

On December 6, 2022, the City Council adopted Resolution No. 2022-196 thereby appropriating \$999,996 from the CMO Voucher Pilot Program for the FRANC, which is intended to provide first and last mile connections for the trolley station as well as connections to other origins and destinations in Downtown and Westside National City.

On June 20, 2023, the City Council adopted Resolution No. 2023-83 awarding an agreement with Circuit Transit, Inc. to provide the FRANC, and Resolution No. 2023-89 authorizing an appropriation in the amount of \$400,000 for funding from the San Diego Port District for the FRANC program.

The City of National City submitted a grant request in late 2023 for a Mobility Hub and program at the 8th Street Trolley Station and was notified in Spring of 2024 of the intent to award along with 19 other projects in California.

The CMO Voucher Pilot Program provided funding for both a service operation and a capital improvement component. In addition to the FRANC shuttle, which began operating as of September 2023, the funded scope also includes constructing a storage facility that provides the ability to securely store and charge the NEV shuttles. This facility is known as the 8th St. Mobility Hub for the FRANC NEV Shuttle Project, CIP No. 22-25, and will consist of a fenced-in area where the NEVs can be locked and plug into an electric vehicle charger overnight, which will be powered by solar panels. This will be constructed at the 8th Street Transit Center Parking Lot, which is managed and controlled by MTS through a lease from Naval Base San Diego.

On March 19, 2024, City Council adopted Resolution 2024-16 which authorized the execution of a Railroad Right-of-Way License Agreement (License Agreement) and a Right of Entry Permit with MTS for the purpose of using a portion of the 8th Street Transit Center Lot for the construction and use of a solar powered storage area for the FRANC shuttle operation.

On April 3, 2024, the project was advertised and one bid was received by the May 30, 2024 deadline. Subsequent to the bid opening, MTS determined that the License Agreement provided to the City was the wrong agreement template and, instead a Construction and Maintenance Agreement (CMA) that includes a license and access rights was the appropriate agreement for the uses contemplated. Therefore, the previous railroad right-of-way license and right of entry permit approved by the City Council on March 19, 2024 is not applicable and was not executed by MTS.

Since the low bidder was unwilling to maintain their bid until such time as a CMA could be finalized and executed between the City and MTS, the City could not proceed with awarding the contract. After agreeing to terms with MTS on the CMA, staff re-advertised the project on September 24, 2024, and three bids were received by the October 17, 2024 deadline. Concurrently with this agenda report, the construction contract award for the 8th St. Mobility Hub for the FRANC NEV Shuttle Project, CIP No. 22-25, is included as an item for consideration and approval on the November 19, 2024 City Council Agenda.

The proposed CMA allows the rights granted at no cost to the City and is for an indefinite term. The City has the right to terminate the CMA by providing 120 days' notice to MTS, which would subsequently require removal of the improvements. The proposed CMA includes the attached exhibits that form part of the License:

- Exhibit A – City's 8th Street Mobility HUB Construction Plan Sheet LC-1.0.
- Exhibit B – Site Area of proposed FRANC vehicle storage area and the construction staging area.
- Exhibit C – Rendering of the proposed storage area with solar roof for vehicle charging.
- Exhibit D – Right-of-Way USA Easement from the Federal Government (Navy) to MTS.
- Exhibit E - USA Approval from the Federal Government for City's use.
- Exhibit F – Sample MTS Right of Entry Permit for the construction of the vehicle storage and use.

FINANCIAL STATEMENT:

Execution of this CMA does not have any direct costs to the City.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Transportation Choices and Infrastructure

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review. CCR15378;
PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Construction and Maintenance Agreement with Exhibits

Exhibit B – Resolution