

RESOLUTION NO. 2024 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF 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.

WHEREAS, the Clean Mobility Options (“CMO”) Voucher Pilot Program is an initiative of the California Air Resources Board funded by the California Climate Investment Program; and

WHEREAS, on August 3, 2021, the City Council adopted Resolution No. 2021-104 authorizing the participation in the CMO Voucher Pilot Program from the California Air Resources Board for the Free Ride Around National City Neighborhood Electric Vehicle Shuttle Program (the “FRANC”); and

WHEREAS, on December 6, 2022, the City Council adopted Resolution No. 2022-196 appropriating \$999,996 from the CMO Voucher Pilot Program for the FRANC; and

WHEREAS, the FRANC is intended to provide first and last mile connections for the 8th Street trolley station, as well as connections to other origins and destinations in downtown and westside National City; and

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

WHEREAS, in late 2023, the City of National City submitted a grant request for a mobility hub and program at the 8th Street trolley station and was notified in the spring of 2024 of the intent to award; and

WHEREAS, the 8th St. Mobility Hub for the FRANC NEV Shuttle Project, CIP No. 22-25 (the “Project”), is for the construction of a storage facility to securely store and charge the FRANC shuttles, consisting of a fenced-in area and electric vehicle chargers powered by solar panels, which will be constructed at the 8th Street Transit Center parking lot; and

WHEREAS, on March 19, 2024, the City Council adopted Resolution 2024-16 authorizing the execution of a Railroad Right-of-Way License Agreement and a Right of Entry Permit (the “License Agreement”) with the Metropolitan Transit System (“MTS”) for use of a portion of the 8th Street Transit Center Lot for the Project; and

WHEREAS, subsequent to the City’s approval of the License Agreement, MTS determined that the License Agreement was the wrong agreement template and requested that the City instead execute a Construction and Maintenance Agreement (“CMA”), which would be inclusive of a license and access rights, and, therefore, the previously approved-License Agreement was not executed by the parties; and

WHEREAS, the CMA allows the license and access rights granted at no cost to the City and is for an indefinite term, with specified termination rights for both parties; and

WHEREAS, City staff recommends executing the CMA with MTS for use of a portion of the 8th Street Transit Center Lot to allow for construction of the Project and operation of the FRANC.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: That the City Council hereby authorizes the Mayor to execute the 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. The Construction and Maintenance Agreement is attached to the Agenda Report as Exhibit A.

Section 2: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 19th day of November 2024.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney