

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AND SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA) COMMITTING COMPLETION OF THE MIDTOWN TRANSPORTATION IMPROVEMENTS-PHASE I NORTH MAIN STREET FROM WELLER TO CARLO STREET UNDER THE VTA'S COMMUNITY DESIGN FOR TRANSPORTATION (CDT) PROGRAM AND COMMITTING THE NECESSARY LOCAL MATCH

WHEREAS, the City of Milpitas wishes to receive federal transportation funds through a grant from VTA'S CDT Program for the following Project: Milpitas Midtown Transportation Improvements-Phase I North Main Street From Weller To Carlo Street; and

WHEREAS, the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Public Law 109-59) continue the Transportation Enhancements Program, and the Congestion Mitigation and Air Quality Improvement Program which provide funds for Community Design and Transportation (CDT) projects; and

WHEREAS, in accordance with SAFETEA-LU, and the regulations promulgated thereunder, applicant, in order to receive a federal transportation grant for the Project has submitted an application with VTA in its capacity as Congestion Management Agency (CMA) for Santa Clara County, for review and consideration in the Transportation Improvement Program (TIP); and

WHEREAS, VTA requires assurance that:

- 1) City of Milpitas will commit necessary local matching funds of at least 20%; and
- 2) City of Milpitas understands that the federal funding through the CDT program is fixed at the programmed amount, and therefore any cost increase will not be funded through the CDT program; and
- 3) City of Milpitas will complete the Project as described in the application, and if approved, as programmed in the TIP; and
- 4) City of Milpitas will submit work scopes, including consultant tasks, to VTA for approval prior to funding commitments.
- 5) City of Milpitas will involve VTA in the process at 30%, 60%, 90% and 100% by giving status updates; and
- 6) City of Milpitas will obligate funds by May 30, 2008 for the Project, or VTA may remove the project from the program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas:

- 1) City of Milpitas will provide \$2,456,000 in local matching funds; and
- 2) City of Milpitas agrees that the CDT Program funding for the Project is fixed at \$1,500,000, and that any cost increases must be funded by the City of Milpitas from local matching funds, and that City of Milpitas does not expect any cost increases to be funded through the CDT program; and
- 3) Midtown Transportation Improvements-Phase I North Main Street From Weller To Carlo Street will be built as described in this resolution and submitted application; and
- 4) City of Milpitas will submit work scopes to VTA for approval; and
- 5) City of Milpitas will provide status updates to VTA at 30%, 60%, 90%, and 100%; and
- 6) City of Milpitas will obligate program funds by May 30, 2008.

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to VTA.

PASSED AND ADOPTED this _____ day of January 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney