

## RESOLUTION NO. 4153

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS APPROVING AN AMENDMENT TO THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION TRANSPORTATION EXPENDITURE PLAN AND RETAIL TRANSACTION AND USE TAX ORDINANCE (ORDINANCE NO. 88-1)**

*WHEREAS*, the Riverside County Transportation Commission Transportation Expenditure Plan and Retail Transaction and Use Tax Ordinance, Ordinance No. 88-1 ("Measure A") was approved by 78.9 percent of the voters in Riverside County in November of 1988.

*WHEREAS*, the purpose of Measure A is to help relieve traffic congestion, increase safety, improve air quality, provide funds to match developers' fees and State and local moneys for transportation and plan adequately for traffic by providing essential countywide transportation improvements.

*WHEREAS*, the Transportation Expenditure Plan, also referred to as the Transportation Improvement Plan ("TIP"), was attached as Exhibit B to Measure A and was incorporated therein by reference.

*WHEREAS*, the TIP identifies State Highway 111 from Ramon Road to Indio Boulevard as one of the projects in the Coachella Valley for which Measure A State highway and major regional road project funds are to be appropriated and expended ("Measure A Highway Funds"). A map depicting the then-current Highway 111 designation between Ramon Road to Indio Boulevard (the "Original Alignment") was part of the TIP.

*WHEREAS*, since the passage of Measure A, the designation of Highway 111 has been changed as portions of the Original Alignment have been relinquished by the State and are now maintained by local jurisdictions. Additionally, Highway 111 was realigned in the city of Palm Springs and now is located on Vista Chino Drive between Indian Canyon Drive and Gene Autry Trail, as well as the segment of Gene Autry Trail from Vista Chino Drive to East Palm Canyon Drive.

*WHEREAS*, changes to the alignment of Highway 111 have raised questions regarding the eligibility of segments relinquished by the State to local agencies for Measure A Highway Funds. Furthermore, additional segments of Highway 111 not included in the Original Alignment have been requested to be eligible for receipt of Measure A Highway Funds.

*WHEREAS*, pursuant to California Public Utilities Code Section 240302(d), the TIP may only be amended by the following process:

- (1) Initiation of amendment by the commission, reciting findings of necessity for the amendment.

- (2) Approval by the board of supervisors.
- (3) Approval by a majority of the cities constituting a majority of the incorporated population.

**WHEREAS**, the changes to the designation of Highway 111 have created the necessity for the adoption of an amendment to the TIP, as the TIP is no longer current as applies to Highway 111. Furthermore, in order for Measure A Highway Funds to be effectively expended to carry out the voter intent for highway and roadway improvements, an amendment to the TIP is necessary.

**WHEREAS**, at its meeting on October 8, 2008 the Board of Directors of the Riverside County Transportation Commission (“Commission Board”) adopted a resolution initiating an amendment to the TIP, including the required findings of necessity for the amendment.

**WHEREAS**, the City Council of the City of Perris (“City Council”) has considered the proposed amendment, and approves said amendment to the TIP.

**WHEREAS**, Public Utilities Code section 240302, under which Measure A and the TIP were adopted, states that generated tax revenues may be expended “for the planning, environmental reviews, engineering and design costs, and related right-of-way acquisition.”

**WHEREAS**, the TIP states that the “scope of highway and commuter rail projects to be implemented is to be determined through required environmental analysis and full consideration of alternatives” including “public participation during the environmental analysis process.”

**WHEREAS**, the amendment to the TIP does not approve construction of any transportation improvements but amends the TIP to reflect current conditions in the Coachella Valley.

**WHEREAS**, under California Code of Regulations, title 14, section 15378(b)(4), the amendment of the TIP is not a “project” subject to environmental review under the California Environmental Quality Act (“CEQA”) because the amendment merely creates a government funding mechanism and is not a commitment to any specific project.

**WHEREAS**, under California Code of Regulations, title 14, section 15004, the amendment of the TIP is not subject to CEQA because there is insufficient information about the transportation improvements to conduct meaningful environmental review at this time.

**WHEREAS**, pursuant to the TIP, all appropriate environmental review will be completed prior to any future approval of a specific transportation improvement.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Perris City Council as follows:

**Section 1. Incorporation of Recitals.** The Recitals set forth above are true and correct and are incorporated into this Resolution by reference as though fully set forth herein.

**Section 2. Approval of Amendment to the TIP.** The City Council hereby approves the following amendment to the TIP, as initiated by the Commission Board:

**A. Inclusion of Segments to Coachella Valley Portion of TIP.** That portion of the TIP entitled “Coachella Valley”. Section 1, entitled “State Highways and Major Regional Road Project”, of the aforementioned portion of the TIP, located on page 183-07 of Measure A, shall be amended to include the segments of highway, and/or roadway described below and as shown on the map attached hereto as Exhibit “A” and incorporated herein by reference. The total amount of funding allocated to the Coachella Valley shall not be changed.

1. In Palm Springs, from the intersection of East Palm Canyon Drive and Gene Autry Trail, north on Gene Autry Trail to Vista Chino Drive, thence west on Vista Chino Drive to North Palm Canyon Drive, thence northerly on the existing Highway 111 alignment to Interstate 10;
2. In Indio, from the crossing of Golf Center Parkway over Indio Boulevard, northerly on Golf Center Parkway to Interstate 10; and
3. In Indio, from the intersection of Highway 111 and Indio Boulevard, southeasterly on Indio Boulevard and Grapefruit Boulevard, the existing and former Highway 111 alignment, through the city of Coachella and Riverside County to the intersection of State Route 195 (Avenue 66).

**B. Revision to Map Included as Part of TIP.** The map attached as part of the TIP shall be amended to include those segments of highway and/or roadway as shown in the map attached to this Resolution as Exhibit “A”.

**Section 3. Approval of Findings.** The City Council hereby approves the findings of the Commission Board related to adoption of the amendment to the TIP.

**Section 4. Effective Date.** This Resolution shall be effective on the date of its adoption. Notwithstanding the foregoing, the amendment to the TIP set forth herein shall not be effective unless and until approved by the Board of Supervisors of Riverside County, and a majority of the Cities within Riverside County.

**Section 5. Notice of Exemption.** The City Council hereby finds that adoption of this Resolution is not subject to CEQA and authorizes and directs City staff to file a Notice of Exemption with the County Clerk of Riverside County and the State Clearinghouse within five (5) days following adoption of this Resolution.

**Section 6.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Resolution shall remain in full force and effect.

**Section 7.** The Mayor shall sign this Resolution and the City Clerk shall certify to the passage and adoption of this Resolution.

**ADOPTED, SIGNED, and APPROVED** this 28<sup>th</sup> day of October 2008.

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Mayor, Daryl R. Busch

Attest:

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City Clerk, Judy Haughney

STATE OF CALIFORNIA)  
COUNTY OF RIVERSIDE) §  
CITY OF PERRIS )

I, Judy Haughney, duly elected CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution Number 4153 was duly adopted by the Perris City Council at a regular meeting of said City Council on the 28<sup>th</sup> day of October 2008, and that it was so adopted by the following vote:

AYES:	COUNCILMEMBERS:	Landers, Motte, Rogers, Yarbrough, Busch
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

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City Clerk, Judy Haughney