

**RESOLUTION NO. 84-21**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND,  
CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT  
THREE TO THE COOPERATIVE IMPLEMENTATION AGREEMENT,  
D43CIARI0002, WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION  
TO FUND THE CONSTRUCTION OF THE WATER CAPTURE FACILITY**

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**WHEREAS**, the California Department of Transportation, hereinafter referred to as “CALTRANS”, and the City of Richmond, hereinafter referred to as “the City”, are authorized, pursuant to California Streets and Highways Code Sections 114 and 130, to amend the existing Cooperative Implementation Agreement for improvements to the State Highway System as a watershed stakeholder within the City’s jurisdiction; and

**WHEREAS**, pursuant to Attachment IV of the CALTRANS National Pollutant Discharge Elimination Permit Order 2012-0011-DQW, hereinafter referred to as the “NPDES Permit”, CALTRANS and the City are to collaboratively implement the NPDES Permit requirements as they have been identified as stakeholders in the Total Maximum Daily Load, hereinafter referred to as “TMDL”, for the Bayview Avenue, hereinafter referred to as “Water Capture Facility – Phase 3”; and

**WHEREAS**, subject to the terms and conditions of a Cooperative Implementation Agreement, CALTRANS has agreed to contribute an amount not to exceed THREE MILLION, TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$3,270,000) to the City for the City to construct the Water Capture Facility, within the regional area under the jurisdiction of the City to comply with the TMDL; and

**WHEREAS**, the City has agreed to implement the Water Capture Facility Project, hereinafter referred to as “the Project”, subject to the terms and conditions of a Cooperative Implementation Agreement; and

**WHEREAS**, the City will be responsible for all management, maintenance and operations, including costs for the constructed Water Capture Facility; and

**WHEREAS**, the California State Water Resources Control Board is encouraging collaborative efforts and Cooperative Implementation Agreements to the benefit of both CALTRANS and the City.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Richmond hereby approves of the proposed form of amendment to the Cooperative Implementation Agreement in substantially the form presented to the Council at this meeting (a copy of which is on file with the City Clerk).

**BE IT FURTHER RESOLVED** that the City Council finds that the Water Capture Facility is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301(b) because it is a project constructing minor alterations to an existing publicly-owned utility involving negligible or no expansion of an existing use.

**BE IT FURTHER RESOLVED** that the City Manager of the City of Richmond, or said City Manager’s designee, is hereby authorized to finalize the amendment to the Cooperative Implementation Agreement and to execute same on behalf of the City.

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I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting thereof held July 6, 2021, by the following vote:

AYES: Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt.  
NOES: None.  
ABSTENTIONS: None.  
ABSENT: None.

PAMELA CHRISTIAN  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

THOMAS K. BUTT  
Mayor

Approved as to form:

TERESA STRICKER  
City Attorney

State of California            }  
County of Contra Costa        } : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of **Resolution No. 84-21**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on July 6, 2021.

  
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Pamela Christian, Clerk of the City of Richmond

CLERK'S  
CERTIFICATE

I, Pamela Christian, City Clerk of the City of Richmond, do hereby certify as follows:

The foregoing resolution is a full, true and correct copy of **Resolution No. 84-21** duly adopted at a regular meeting of the City Council of said City duly and regularly held at the regular meeting place thereof on the 6<sup>th</sup> day of July 2021, of which meeting all the members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES: Councilmembers Bates, Jimenez, Martinez, McLaughlin,  
Willis, Vice Mayor Johnson III, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

An agenda of said meeting was posted before said meeting at City Hall, 450 Civic Center Plaza in the City of Richmond, California, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

Such agenda was further posted, and such meeting was conducted in accordance with and pursuant to Executive Order N-29-20, signed by the Governor of the State of California on March 17, 2020, and Executive Order N-35-20, signed by the Governor of the State of California on March 21, 2020.

I have carefully compared the foregoing with the original on file and of record in my office, and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting.

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

Dated: July 9, 2021.

  
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City Clerk of the City of Richmond

[SEAL]