

RESOLUTION NO. 86-18

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

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 Regatta Boulevard (aka Meeker Ditch), hereinafter referred to as “Water Capture Facility – Phase 2”; and

WHEREAS, subject to the terms and conditions of a Cooperative Implementation Agreement, CALTRANS has agreed to contribute an amount not to exceed TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) 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 (now hereby amended to include Phase 2); and

WHEREAS, the City completed the installation of Phase 1 in the amount of \$1,363,449.45; and

WHEREAS, the City requests to use the remaining \$1,136,550.55 of the project fund for “Water Capture Facility – Phase 2”; and

WHEREAS, the City will amend the fiscal year 2018-19 budget to carry forward the balance of \$1,136,550.55 from fiscal year 2017-18; 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.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held November 13, 2018, by the following vote:

AYES: Councilmembers Beckles, Choi, Martinez, Myrick, Vice Mayor Willis, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember Recinos.

PAMELA CHRISTIAN

 CLERK OF THE CITY OF RICHMOND
 (SEAL)

Approved:

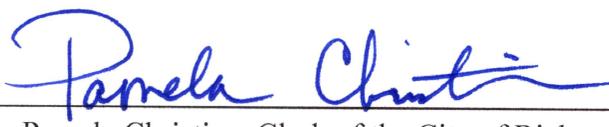
TOM BUTT
 Mayor

Approved as to form:

BRUCE GOODMILLER
 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. 86-18**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on November 13, 2018.



 Pamela Christian, Clerk of the City of Richmond