

RESOLUTION 2019-115

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO APPROVING AND AUTHORIZING THE EXECUTION OF AMENDMENT NO. 5 TO THE COOPERATIVE AGREEMENT BETWEEN THE CONTRA COSTA TRANSPORTATION AUTHORITY AND THE CITY OF SAN PABLO FOR THE I-80/SAN PABLO DAM ROAD INTERCHANGE PROJECT TO AMEND THE PROJECT DESCRIPTION AND TO TRANSFER PROPERTIES ON HUMBOLDT AVENUE TO THE CITY

WHEREAS, in June 2006, the Contra Costa Transportation Authority (Authority) entered into Cooperative Agreement (Agreement) with the City of San Pablo (City) to complete the Project Approval/Environmental Document phase for the I-80/San Pablo Dam Road Interchange Project (Project);

WHEREAS, the Agreement has been amended four times to reflect changes in project scope, cost and funding;

WHEREAS, the Authority accepted the construction contract for the first phase of the Project in July 2018;

WHEREAS, during the Project development phase, Contra Costa County (on behalf of the Authority) acquired several parcels on Humboldt Avenue (Properties) in the City of San Pablo, which were needed for the second phase of the Project;

WHEREAS, the Authority is requesting the City to hold title of the Properties until Phase 2 improvements take place. In return, the Authority will contribute \$10,000 to help the City maintain these vacant lots;

WHEREAS, the proposed amendment (Amendment No. 5) addresses the transfer of title of the Properties from Contra Costa County to the City and the Authority's \$10,000 contribution to the City to assist with the cost of maintaining the Properties until work on Phase 2 of the Project starts. In addition, it updates the Project description on Exhibit A of the Agreement based on the preferred alternative selected in the environmental document, and reflects the actual cost to complete the first phase of the project; and

WHEREAS, this proposed action is consistent with the Initial Study with Mitigated Negative Declaration/Environmental Assessment adopted for this Project on February 25, 2010 and the proposed modifications contemplated by this Fifth Amendment to the Agreement do not include substantial changes to the Project or the circumstances under which the Project is undertaken or new information of substantial importance and thus no further environmental review is required under 14 California Code of Regulations section 15162.

NOW, THEREFORE, the City Council of the City of San Pablo does hereby resolve as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein.

Section 2. Approval of Amendment No. 5 to the Agreement. The City Council hereby approves Amendment No. 5 of the Agreement with the Authority in the form attached to the staff report accompanying this resolution, and the City Council hereby authorizes the City Manager to execute Amendment No. 5 on behalf of the City, and to make such changes or additions thereto with the concurrence of the City Attorney as are necessary or appropriate and which do not substantially alter the rights and obligations of the City thereunder. The City Manager is further authorized to execute such other documents and take such other actions as are necessary to carry out and implement the obligations of the City under Amendment No. 5.

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PASSED AND ADOPTED this 15th day of July, 2019, by the following votes:

AYES:	COUNCILMEMBERS:	Pineda, Xavier, Pabon-Alvarado, Cruz and Kinney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:	APPROVED:
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/s/ Patricia Ponce
Patricia Ponce, City Clerk

/s/ Rich Kinney
Rich Kinney, Mayor