

Resolution No.

# STOCKTON CITY COUNCIL

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## RESOLUTION APPROVING FINDINGS AND APPROVING TEMPORARY CONSTRUCTION AND PERMANENT MAINTENANCE EASEMENTS TO WOODBRIDGE IRRIGATION DISTRICT FOR A WATER SUPPLY PIPELINE CONNECTION AT THE DELTA WATER TREATMENT PLANT

Under the Water Supply Agreement between the City of Stockton ("City") and Woodbridge Irrigation District ("District") approved by Council in 2008, a provision for purchase of an additional 6,500 acre-feet of water to the City for beneficial uses is detailed in the agreement; and

To provide this additional water, the District's Pixley Slough Lateral pipeline will need to cross City property along the Delta Water Treatment Plant's ("DWTP") northern boundary; and

For the District to move ahead with the project, the District seeks to secure temporary construction and permanent maintenance easements to move ahead with the project; and

All project and future maintenance costs will be the responsibility of the District; and

The City is a Responsible Agency pursuant to the California Environmental Quality Act ("CEQA") since the City has discretionary power over the District's project due to the necessity of the District having to obtain easements to access City property, and the City's necessary approval of the easements; and

A notice of the proposed easement grant was published in *The Record* on February 23, 2019; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

### California Environmental Quality Act

1. Pursuant to the California Environmental Quality Act, the City Council approves the following findings:

a. The District has prepared plans for the installation of a Pixley Slough Lateral pipeline to the DWTP (the "Project").

b. The District, as the Lead Agency under the California Environmental Quality Act ("CEQA"), adopted a Mitigated Negative Declaration (MND) and Notice of Determination (NOD) for the Project on November 10, 2016; attached as Exhibits 1 and 2, and incorporated by this reference.

c. The City, as a party to a water purchase agreement with the District, is considering approval of temporary and permanent easements to allow completion of the Project, which approval is in the public interest so the District can provide additional water.

d. The City, as a Responsible Agency under CEQA, must make certain findings prior to making or granting any approval in support of the Project, for example, by approving the easements.

e. Subsequent to adopting the MND, the location of the subject pipeline has been moved from immediately south of an existing access roadway to the DWTP to the immediate north of the subject roadway.

f. The MND has been completed, is in compliance with CEQA, and is adequate for the purpose of the Council's consideration of the Project.

g. Prior to acting on the easement request, the City reviewed and considered the information contained in the MND according to CEQA Guidelines section 15050(b).

h. Mitigation measures have been identified in the MND, and which avoid and/or substantially lessen potentially significant environmental effects to a less than significant level.

i. With regard to the change in the Project identified above (i.e., pipeline location), no subsequent environmental review is required, pursuant to CEQA Guidelines section 15162:

a. The change is not substantial and requires no revision to the MND since the environmental setting is the same on either side of the subject roadway and, therefore, no new significant environmental effects or increase the severity of a previously identified significant environmental effect would result;

b. The circumstances under which the Project is undertaken remain the same;

c. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted, that shows any of the following:

i. The Project will have one or more significant effects not discussed in the MND;

ii. Significant effects previously examined will be substantially more severe than shown in MND;

iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project, but the Project proponents decline to adopt the mitigation measure or alternative; or

iv. Mitigation measures or alternatives which are considerably different from those analyzed in the MND would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.

j. Pursuant to CEQA Guidelines section 15162(b), the City determines that no further documentation beyond that provided in the MND is required.

k. The Mitigation, Monitoring, and Reporting Program (the "MMRP") associated with the MND and incorporated herein by reference, is adopted.

l. Pursuant to the water purchase agreement between the City and the District, implementation of the MMRP is the responsibility of the District and, pursuant to the requirements of CEQA, a requirement of the City's CEQA determination herein.

m. The City Council hereby directs, upon approval of the easements, the City shall file a Notice of Determination with the County Clerk of San Joaquin County and State Office of Planning and Research pursuant to CEQA section 21152.

n. Pursuant to CEQA section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council's decision is based, are located in and may be obtained from the Office of the City Clerk at 425 N. El Dorado Street, 1st Floor, Stockton, CA 95202. The City Clerk is the custodian of records for all matters before the City Council.

### Easements

1. The City Council approves the Temporary Construction Easement to the District for installation of a water supply pipeline for the DWTP, a copy of which is attached as Exhibit 3 and Exhibit 4 and incorporated by this reference. The right of the District to enter and occupy said property shall terminate on April 1, 2020, or upon completion of the project/activity, whichever occurs first.

2. The City Council approves the Permanent Easement to the District to maintain the Project pipeline and appurtenances connecting to the DWTP, a copy of which is attached as Exhibit 5 and Exhibit 6 and incorporated by this reference.

3. The City Council authorizes the City Manager to file the Proposed Easement Deed, a copy of which is attached as Exhibit 7 and incorporated by this reference.

4. The City Manager or his designee is authorized and directed to execute all documents, including, but not limited to, agreements and any amendments.

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5. The City Manager is hereby authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED March 5, 2019.

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MICHAEL TUBBS, Mayor  
of the City of Stockton

ATTEST:

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CHRISTIAN CLEGG, Deputy City Manager/  
Interim City Clerk of the City of Stockton