

RESOLUTION NO. RES-2021-178

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE PURCHASE OF MITIGATION CREDITS REQUIRED FOR THE FULTON ROAD WIDENING PROJECT BETWEEN GUERNEVILLE ROAD AND PINER ROAD; APPROVING AGREEMENT FOR SALE OF CALIFORNIA TIGER SALAMANDER MITIGATION CREDITS AND/OR PRESERVATION CREDITS WITH DAVIS PRESERVE, LLC (2), ALTON PRESERVE, LLC AND MARGARET WEST CONSERVATION PREESERVE, LLC IN AN AGGREGATE NOT-TO-EXCEED AMOUNT OF \$596,000; AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION AND PUBLIC WORKS TO EXECUTE THE AGREEMENTS AND ANY RELATED DOCUMENTS OR AMENDMENTS

WHEREAS, on October 24, 2017, the Council adopted a Mitigated Negative Declaration (MND) for the Fulton Road Widening Project between Guerneville Road and Piner Road, which established the Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS, in order to mitigate the Project impacts, the City will need to obtain environmental permits, enter into environmental agreements, and purchase mitigation credits; and

WHEREAS, the mitigation credits, which include California Tiger Salamander (CTS) and Special Status Plant Species including Burke's Goldfields, Sonoma Sunshine and Sebastopol Meadowfoam, are required by regulatory agencies to be purchased before the City can proceed with the Project's construction; and

WHEREAS, the City released a Request for Proposals (RFP) to three separate representatives of mitigation credit conservation banks on July 20, 2021, for the purchase of up to 2.01 CTS acre credits, and 0.132-acre credits of Special Status Plant Species; and

WHEREAS, the City received one complete proposal from TRI Development Services, LLC, representing Alton Preserve, LLC with the cost of CTS credits at \$225,000 per acre credit, Burke's Goldfields & Sonoma Sunshine credits at \$1,475,000 per acre credit, and Sebastopol Meadowfoam credits at \$850,000 per acre credit.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa authorizes the purchase of mitigation credits for California Tiger Salamander and Special Status Plant Species related to the Fulton Road Widening Project between Guerneville Road and Piner Road.

BE IT FURTHER RESOLVED that Council approves an Agreement for Sale of California Tiger Salamander Mitigation Credits and/or Preservation Credits with Davis Preserve, LLC, in substantially the same form as Exhibit A to the resolution, subject to approval as to form by the City Attorney, in an amount not to exceed \$420,750 for the purchase of California Tiger Salamander mitigation credits.

BE IT FURTHER RESOLVED that Council approves an Agreement for Sale of California Tiger Salamander Mitigation Credits and/or Preservation Credits with Alton Preserve, LLC, in substantially the same form as Exhibit B to the resolution, subject to approval as to form by the City Attorney, in an amount not to exceed \$132,750 for the purchase of California Tiger Salamander, Burke's Goldfield, and Sonoma Sunshine mitigation credits.

BE IT FURTHER RESOLVED that Council approves an Agreement for Sale of California Tiger Salamander Mitigation Credits and/or Preservation Credits with Margaret West Conservation Preserve, LLC, in substantially the same form as Exhibit C to the resolution, subject to approval as to form by the City Attorney, in an amount not to exceed \$25,500 for the purchase of California Tiger Salamander and Sebastopol Meadowfoam mitigation credits.

BE IT FURTHER RESOLVED that Council approves an Agreement for Sale of California Tiger Salamander Mitigation Credits and/or Preservation Credits with Davis Preserve, LLC, in substantially the same form as Exhibit D to the resolution, subject to approval as to form by the City Attorney, in an amount not to exceed \$17,000 for the purchase of California Tiger Salamander and Sebastopol Meadowfoam mitigation credits.

BE IT FURTHER RESOLVED that Council authorizes and delegates authority to the Director of Transportation and Public Works to replace the credits with another conservation bank at no additional cost if either the California Department of Fish and Wildlife (CDFW) or the USFWS changes their pre-approval of accepting mitigation credits from a purchased conservation bank and to negotiate and execute any necessary agreements or other related documents provided they are in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the Council authorizes the City, via the City Manager or designee to provide a Letter of Credit to the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) as proof of ensured funding if mitigation credits are not accepted or approved by CDFW.

BE IT FURTHER RESOLVED that the Council authorizes the Director of Transportation and Public Works to execute the agreements, substantially in the form of Exhibits A, B, C, and D and any related documents or applications, subject to approval of any or all of such documents as to form by the City Attorney.

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BE IT FURTHER RESOLVED that the Council authorizes the Chief Financial Officer to pay all proper claims for the purchase of mitigation credits out of Job Ledger Key 17444, "Fulton-Guerneville Road to Piner Road -Widen."

IN COUNCIL DULY PASSED this 26th day of October, 2021.

AYES: (6) Mayor C. Rogers, Vice Mayor N. Rogers, Council Members Alvarez, Fleming, Sawyer, Tibbetts

NOES: (0)

ABSENT: (1) Council Member Schwedhelm

ABSTAIN: (0)

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM: \_\_\_\_\_  
Assistant City Attorney

Exhibit A –Agreement with Davis Preserve, LLC (not-to-exceed \$420,750)

Exhibit B –Agreement with Alton Preserve, LLC

Exhibit C –Agreement with Margaret West Conservation Preserve, LLC

Exhibit D –Agreement with Davis Preserve, LLC (not-to-exceed \$17,000)