

RESOLUTION NO. RES-2020-216

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE PURCHASE OF MITIGATION CREDITS REQUIRED FOR THE LOWER COLGAN CREEK RESTORATION PHASE 2 PROJECT; APPROVING THE CALIFORNIA TIGER SALAMANDER MITIGATION CREDITS PURCHASE AGREEMENT WITH DAVIS PRESERVE, LLC; APPROVING THE WETLAND CREATION CREDITS PURCHASE AGREEMENT WITH HAZEL MITIGATION PRESERVE, LLC IN AN AMOUNT; AND AUTHORIZING THE DIRECTOR OF WATER TO EXECUTE BOTH AGREEMENTS AND ANY RELATED DOCUMENTS OR AMENDMENTS

WHEREAS, on September 21, 2010, the Council adopted a Mitigated Negative Declaration and authorized the final design of the Colgan Creek Restoration Project; and

WHEREAS on May 6, 2014, the Council delegated authority to the Director of Transportation & Public Works to submit all environmental permits for completion of the Lower Colgan Creek Restoration Phase 2 Project; and

WHEREAS, the mitigation credits, which include California Tiger Salamander (CTS) and wetland, are required by regulatory agencies to be purchased before the City can proceed with the Project; and

WHEREAS, the City sent out a request for proposals to three separate representatives of mitigation credit banks on August 26, 2020, for the purchase of 2.02 acres of CTS credits and 0.05 acres of wetland credits; and

WHEREAS, the City received a proposal from TRI Development Services, LLC, representing Davis Preserve, LLC and Hazel Mitigation Preserve, LLC, with the cost of CTS credits at \$168,000 per acre credit, and wetland credits at \$145,000 per acre credit.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa authorizes the purchase of mitigation credits related to the Lower Colgan Creek Restoration Phase 2 Project.

BE IT FURTHER RESOLVED that Council approves the California Tiger Salamander Mitigation Credits Purchase Agreement 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 \$339,360 for the purchase of California Tiger Salamander mitigation credits.

BE IT FURTHER RESOLVED that Council approves the Wetland Creation Credits Purchase Agreement with Hazel Mitigation 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 \$7,250 for wetland credits.

BE IT FURTHER RESOLVED that the Council authorizes the Director of Water to execute the agreements an any related documents or applications, subject to approval as to form by the City Attorney.

IN COUNCIL DULY PASSED this 8th day of December, 2020.

AYES: (7) Mayor Schwedhelm, Vice Mayor Fleming, Council Members Dowd, Olivares, Rogers, Sawyer, Tibbetts

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

- Exhibit A – California Tiger Salamander Mitigation Credits Purchase Agreement with Davis Preserve, LLC
- Exhibit B - Wetland Creation Credits Purchase Agreement with Hazel Mitigation Preserve, LLC