

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 RESOLUTION NO. RES-08-0149

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3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH APPROVING THE TERMINO
5 AVENUE DRAIN PROJECT AND IMPLEMENTING
6 AGREEMENT, AND ADOPTING RESPONSIBLE AGENCY
7 ENVIRONMENTAL FINDINGS PURSUANT TO THE
8 CALIFORNIA ENVIRONMENTAL QUALITY ACT

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10 WHEREAS, the Termino Avenue Drain Project (the "Project") would involve
11 the construction of a storm drain mainline, six (6) lateral drains, low-flow treatment
12 diversion berm, catch basin screens, and an outlet to Marine Stadium, in order to
13 alleviate flooding problems in the area by collecting stormwater flows; and

14 WHEREAS, the County of Los Angeles ("County") is the lead agency
15 pursuant to the California Environmental Quality Act ("CEQA") (Public Res. Code, §
16 21000, et seq.) and the State CEQA Guidelines (14 CCR § 15000, et seq.); and

17 WHEREAS, the County determined that an Environmental Impact
18 Report/Environmental Impact ("EIR") should be prepared pursuant to the CEQA in order
19 to analyze all potential adverse environmental impacts of the Project; and

20 WHEREAS, the Board of Supervisors of the County of Los Angeles, at its
21 regularly scheduled public meeting on July 29, 2008, reviewed and considered the Initial
22 Study, Draft EIR, Final EIR and other related documents in the record before it and by
23 their action, certified the Final EIR and adopted environmental findings; and

24 WHEREAS, pursuant to State CEQA Guidelines sections 15091 and
25 15096(h) and CEQA, the City of Long Beach ("City") is a responsible agency for the
26 Project and must therefore make certain finding prior to the approval of the Project; and

27 WHEREAS, the City Council of the City, at its regularly scheduled public
28 meeting on November 18, 2008, reviewed and considered the Final EIR and other related

1 documents in the record before it; and

2 WHEREAS, all procedures of CEQA and the State CEQA Guidelines have
3 been met, and the Final EIR, prepared in connection with the Project, is sufficiently
4 detailed so that all the potentially significant effects of the Project on the environment and
5 measures necessary to avoid or substantially lessen such effects have been evaluated in
6 accordance with the above-referenced Act and Guidelines; and

7 WHEREAS, as contained herein, the City has endeavored in good faith to
8 set forth the basis for its decision on the Project; and

9 WHEREAS, all of the findings and conclusions made by the City Council
10 pursuant to this Resolution are based upon the oral and written evidence presented to it
11 as a whole and not based solely on the information provided in this Resolution; and

12 WHEREAS, prior to taking action, the City Council has heard, been
13 presented with, reviewed and considered all of the information and data presented to it,
14 including the Draft EIR, Final EIR and other documentation relating to the Project, all on
15 file with the City Clerk's office, and all oral and written evidence presented to it; and

16 WHEREAS, all other prerequisites to the adoption of this Resolution have
17 occurred;

18 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
19 follows:

20 Section 1. The Final EIR prepared for the Project is hereby
21 received by the City Council in the form on file in the City Clerk's office and
22 incorporated herein by this reference.

23 Section 2. The City Council hereby finds and determines that the
24 Final EIR has been completed in compliance with CEQA and the State CEQA
25 Guidelines, and as the decision-making body for the City of Long Beach, the City
26 Council has reviewed and considered the information contained in the Final EIR
27 and related documents before it and all of the environmental effects of the Project.

28 Section 3. The City Council concurs with the environmental

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1 findings in County action dated July 29, 2008 and adopts these findings, on file in
2 the City Clerk's office and incorporated herein by this reference. The City Council
3 also finds that there are no additional feasible mitigation measures or alternatives
4 within its powers that would substantially lessen or avoid any significant effects
5 that the Project would have on the environment.

6 Section 4. The City Council hereby approves the Project and
7 authorizes the City Manager to execute the City-County Cooperative Agreement,
8 which Agreement is found by the City Council to be within the scope of the Project
9 as the Project was defined and described in the EIR certified by the County on
10 July 29, 2008.

11 Section 5. The City Council concurs with the statement of
12 overriding considerations in County action dated July 29, 2008 and adopts the
13 statement, and finds that the benefits of the Project outweigh the adverse
14 environmental impacts not reduced to below a level of significance.

15 Section 6. The City Council hereby authorizes and directs that a
16 Notice of Determination shall be filed with the Clerk of the County of Los Angeles
17 within five (5) working days of approval of the Project.

18 Section 7. This resolution shall take effect immediately upon its
19 adoption by the City Council, and the City Clerk shall certify the vote adopting this
20 resolution.

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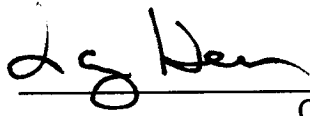
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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of November 18, 2008 by the following vote:

Ayes: Councilmembers: S. Lowenthal, DeLong, O'Donnell,
Schipske, Andrews, Reyes Uranga,
Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: B. Lowenthal.



City Clerk

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