

RESOLUTION R2022-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, DETERMINING THAT: (1) THERE IS NO LONGER A NEED TO TAKE EMERGENCY ACTIONS FOR THE OAK STREET STORM DRAIN; (2) THE AUTHORIZATION TO PERFORM EMERGENCY WORK IS TERMINATED; AND (3) THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM CEQA

WHEREAS, on August 25, 2021, based on a recommendation from the Public Works Director, the City Manager made a written determination that the impact of the unexpected sink hole on Oak Street due to a collapsed storm drain pipe, posed a clear and imminent danger requiring immediate action to replace the existing pipe and to prevent or mitigate further damage to Oak Street, including the design and construction of the repair; and

WHEREAS, following the determination of the emergency as described in this resolution, the City Manager reported to City Council the actions taken to resolve the emergency in accordance with Napa Municipal Code Section 2.91.040, and the City Council determined that there was a need to continue action to resolve the emergency at the 2021-2022 Council meetings of September 7 (R2021-090) and September 21, October 5 and 19, November 2 and 16, December 7 and 21, January 4 and 18, February 1 and 15, March 1 and 15, April 5 and 19, 2022; and

WHEREAS, based on a recommendation from the Public Works Director, and in accordance with Napa Municipal Code Section 2.91.040, the City Manager has determined that there is no longer a need to take emergency action, since the previous emergency has been resolved; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Napa, as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.

2. The City Council hereby determines that the actions authorized by this Resolution are exempt from CEQA pursuant to CEQA Guidelines Section 15269 (Statutory exemption for emergency repairs, in accordance with California Public Resources Code Section 21080(b)(2)); CEQA Guidelines Section 15301 (Categorical exemption Class 1 Existing Facilities), which exempts repair, maintenance, or minor

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alteration of existing facilities involving negligible or no expansion of use; and CEQA Guidelines Section 15302 (Categorical Exemption Class 2 Replacement or Reconstruction), which exempts replacement or reconstruction of existing facilities on the same site and with the same purpose.

3. The City Council hereby determines that there is no longer a need to take action to resolve an emergency for the storm drain pipe failure on Oak Street since the previous emergency has been resolved through the completion of the Project described in this Resolution. Therefore, the City Council hereby terminates the authorization to perform emergency work for the Oak Street Storm Drain.

4. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 3<sup>rd</sup> day of May, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_

Tiffany Carranza  
City Clerk

Approved as to form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney