

1 RESOLUTION NO. 92-08

2 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CERTIFYING  
3 THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE  
4 BIDWELL PARK MASTER MANAGEMENT PLAN UPDATE  
(State Clearinghouse Number 2004102045)

5 WHEREAS, an Environmental Impact Report ("EIR"), the Bidwell Park Master  
6 Management Plan Update EIR, has been prepared for and by the City of Chico for the update of  
7 the Bidwell Park Master Management Plan ("Project") as defined in the EIR, pursuant to the  
8 California Environmental Quality Act ("CEQA") (Pub. Resources Code § 21000 et seq.), the  
9 CEQA Guidelines (14 Cal. Code Regs., § 15000 et seq.), and the local procedures adopted by the  
10 City pursuant thereto; and

11 WHEREAS, the City issued a Notice of Preparation ("NOP") of a Draft EIR and filed the  
12 NOP with the State Clearinghouse on or about October 14, 2004; and

13 WHEREAS, the City circulated the NOP for 30 days and received comments from  
14 agencies and the public; and

15 WHEREAS, on October 28, 2004, the City conducted a public scoping meeting on the  
16 Project; and

17 WHEREAS, the City prepared a Draft EIR and filed a Notice of Completion for the Draft  
18 EIR with the State Clearinghouse on or about April 27, 2007; and

19 WHEREAS, the City issued a Notice of Availability ("NOA") on April 27, 2007, and  
20 mailed the NOA of the Draft EIR to all persons and organizations having requested notice of  
21 same, and caused the NOA of the Draft EIR to be published in a newspaper of general circulation  
22 within the City; and

23 WHEREAS, the public review period for the Draft EIR commenced on April 27, 2007,  
24 and concluded on June 26, 2007, during which time the City requested comments on the Draft  
25 EIR; and

26 WHEREAS, on June 13, 2007, the City conducted a public meeting to receive comments  
27 on the Draft EIR; and

28 WHEREAS, subsequent to the close of the review and comment period, the City prepared

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1 the Final EIR in accordance with CEQA to respond to all comments submitted during the Draft  
2 EIR public review period, and to fully address all potential effects of implementation of the  
3 Project; and

4 WHEREAS, the Final EIR, which includes responses to comments received on the Draft  
5 EIR was forwarded to all interested and commenting parties no less than ten (10) days prior to  
6 the date established for the Bidwell Park and Playground Commission to consider the Final EIR;  
7 and

8 WHEREAS, on August 25, 2008, the Bidwell Park and Playground Commission of the  
9 City of Chico held a duly noticed public hearing to consider the proposed Final EIR and, at the  
10 close of the hearing, made recommendations to the City Council of the City of Chico which,  
11 among other things, included a recommendation to certify the EIR; and

12 WHEREAS, the City forwarded notice of the City Council meeting at which the EIR  
13 would be considered and certified to all interested and commenting parties; and

14 WHEREAS, the City Council considered the EIR on November 18, 2008; and

15 WHEREAS, the City Council has independently reviewed, analyzed and considered the  
16 EIR, all written comments and testimony received from affected agencies and members of the  
17 public; and

18 WHEREAS, the City Council, exercising its independent judgment on the EIR, is now  
19 prepared to consider the adequacy of that document, all in a manner provided for by CEQA.

20 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
21 CHICO:

22 **Section 1: Findings**

23 The Council makes the following findings based upon the evidence in the EIR, or  
24 elsewhere in the record of these proceedings:

- 25 A. The recitals set forth above are true and correct.  
26 B. The NOP for the Draft EIR was duly prepared, noticed, and properly circulated in  
27 accordance with the provisions of CEQA.  
28 C. The Draft EIR was duly prepared, properly circulated, and completed in

1 accordance with the provisions of CEQA.

2 D. After providing adequate public notice, the Draft EIR was duly circulated in  
3 accordance with the provisions of CEQA.

4 E. All comments received during the period of public review have been duly  
5 considered and incorporated into the Final EIR and, when necessary, replied to, all  
6 in accordance with CEQA.

7 F. The City provided written responses to all public agency comments received on  
8 the draft EIR at least ten days before certification of the Final EIR, pursuant to the  
9 provisions of CEQA.

10 G. A good faith effort has been made to identify potentially feasible mitigation  
11 measures and alternatives to the extent necessary to avoid or substantially lessen  
12 the significant adverse effects of the Project, and such mitigation measures and  
13 alternatives were considered in the review process in accordance with the  
14 provisions of CEQA.

15 H. The Final EIR for the proposed Project has been properly completed and has  
16 identified all significant environmental effects of the proposed Project, and there  
17 are no known potential significant environmental effects that are not addressed in  
18 the Final EIR.

19 I. A good faith effort has been made to seek out and incorporate all points of view in  
20 the preparation of the Draft EIR and the Final EIR.

21 J. The Council has reviewed and considered the information in the Final EIR.

22 K. The EIR for the Project reflects the Council's independent judgment and analysis.

23 **Section 2: Certification of the EIR.**

24 Having independently considered the EIR, the City Council hereby certifies that the EIR  
25 has been prepared, circulated for agency and public review, and completed in compliance with  
26 the requirements of CEQA and fully and adequately discloses and addresses all environmental  
27 issues known to be associated with the Project.

28 The foregoing resolution was adopted by the City Council of the City of Chico at its

1 meeting held on November 18, 2008, by the following vote:

2 AYES: Bertagna, Flynn, Gruendl, Wahl, Holcombe

3 NOES: None

4 ABSENT: None

5 ABSTAIN: None

6 DISQUALIFIED: Nickell, Schwab

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8 ATTEST:

APPROVED AS TO FORM:

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Deborah R. Presson  
City Clerk

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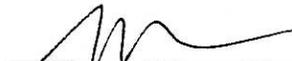
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Lori Barker  
City Attorney