

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL  
AUTHORIZING EXECUTION OF CALIFORNIA DEPARTMENT OF  
TRANSPORTATION AGREEMENTS  
FOR GRANT FUNDS FROM THE BUDGET ACT OF 2022/23, CALIFORNIA  
STATE BUDGET, SECTION 19.56(F)(1)(B) - \$5,000,000 TO THE CITY OF  
CUPERTINO FOR THE MCCLELLAN ROAD BRIDGE RECONSTRUCTION  
PROJECT**

WHEREAS, the California Department of Transportation has been delegated the responsibility by the Legislature of the State of California for the administration of a \$5,000,000 grant to the City of Cupertino for McClellan Road Bridge Reconstruction, and setting up the necessary procedures governing the transfer of funds; and

WHEREAS, said procedures established by the California Department of Transportation require the applicant's Governing Body to authorize by resolution the execution of a Funds Transfer Agreement before submission of said applications to the State; and

WHEREAS, the Fund Transfer Agreement must be executed with the California Department of Transportation before such funds can be claimed; and

WHEREAS, the City of Cupertino wishes to delegate the authority to execute the Funds Transfer Agreement and any amendments thereto and to take all necessary steps to accept the grant funds to the City Manager; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby designate the City Manager as the person authorized to execute the Funds Transfer Agreement and any amendments thereto and to take all necessary steps to accept the grant funds with the California Department of Transportation.

BE IT FURTHER RESOLVED that this Resolution is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Resolution is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with

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certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action of executing an agreement to accept grant funds would have no or only a de minimis effect on the environment. The foregoing determination is made by the City Council in its independent judgment.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 7<sup>th</sup> day of March, 2023, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:  _____ Hung Wei, Mayor City of Cupertino	_____ Date
ATTEST:  _____ Kirsten Squarcia, City Clerk	_____ Date