

RESOLUTION NO. 2012-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR COST SHARING OF GRANT LINE ROAD PAVEMENT OVERLAY (MOSHER ROAD TO ELK GROVE BOULEVARD) WITH SACRAMENTO COUNTY FOR THE GRANT LINE ROAD PAVEMENT OVERLAY PROJECT

WHEREAS, the City of Elk Grove (City) desires to construct the Grant Line Road Pavement Overlay Project, Project No. WPR003 (Project); and

WHEREAS, on September 2, 2008 (Resolution No. 2008-201) the City and County of Sacramento (County) entered into an Agreement for Maintenance of Joint Transportation Facilities which details the responsibilities of both parties for "routine maintenance" on various jointly owned facilities and expressly excludes overlay work from the definition of "routine maintenance"; and

WHEREAS, the City and County have agreed to share the overlay work as a joint financial responsibility at 50% for each; and

WHEREAS, the County is preparing a construction contract that includes rehabilitating Grant Line Road between Mosher Road and Elk Grove Boulevard and has proposed that they prepare the contract plans and specifications as well as administer the construction contract; and

WHEREAS, the estimated City's share of the proposed work is \$720,000. Due to the preliminary nature of the cost estimate, the Agreement provides for the City's share of up to \$1,000,000. Under no circumstances shall the City's share exceed \$1,000,000 without prior written consent of the City; and

WHEREAS, the California Environmental Quality Act (CEQA), California Public Resources Code section 21000 et seq., and the CEQA guidelines, California Code of Regulations, Title 14, section 15000 et seq., ("CEQA Guidelines") require analysis of the environmental consequences that may flow from the approval of discretionary "projects"; and

WHEREAS, section 15061(b)(3) states the General Rule that CEQA only applies to projects that 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 questions may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, section 15301 of the State CEQA Guidelines provides an exemption for projects involving the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Subsection (c) specifically lists work on existing highways and streets.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove finds that the allocation of funds to the Grant Line Road Pavement Overlay Project, Project No. WPR003 (Project) is exempt from the California Environmental Quality Act (CEQA) pursuant to the following finding:

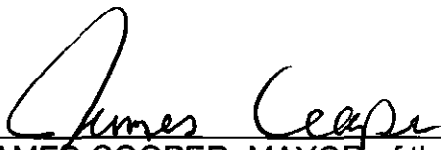
Finding: The Project is exempt from CEQA pursuant to sections 15061(b)(3) and 15301(c) of the State CEQA Guidelines.

Evidence: The City's proportional funding of this project is exempt from CEQA pursuant to the General Rule that CEQA only applies to projects that 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 questions may have a significant effect on the environment, the activity is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines, Title 14 of the California Code of Regulations). Issuance of the funds alone would not have a direct impact on the environment as it is an administrative function.

Repavement activities for existing public roads do qualify as a project under CEQA. However, section 15301 of the State CEQA Guidelines provides an exemption for projects involving the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Subsection (c) specifically lists work on existing highways and streets. Based upon this, the County has prepared and will be filing a Notice of Exemption for the entire project. City staff has reviewed the County's analysis and concurs with their conclusions. Therefore, the City's actions and the subsequent repavement project qualifies for these exemptions and no further environmental review is required.

BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager, or designee, to execute the Agreement for Cost Sharing of Grant Line Road Pavement Overlay (Mosher Road to Elk Grove Boulevard) with the County of Sacramento for the Grant Line Road Pavement Overlay Project.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 8th day of February 2012.



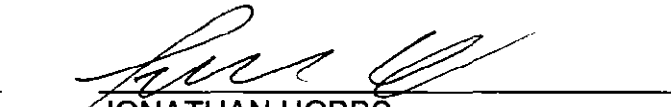
JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN HOBBS,
INTERIM CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2012-20

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)


I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 8, 2012 by the following vote:

AYES : **COUNCILMEMBERS:** *Cooper, Hume, Davis, Detrick, Scherman*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California