

**RESOLUTION NO. 2012-127**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH PROCIDA LANDSCAPE, INC. FOR THE WILLARD PARKWAY-ELK GROVE BOULEVARD MEDIAN LANDSCAPE ENHANCEMENT PROJECT IN THE AMOUNT OF \$534,136, AND AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$80,120, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THE SECOND LOWEST BIDDER IF PROCIDA LANDSCAPE, INC. DOES NOT MEET FILING OBLIGATIONS**

**WHEREAS**, as part of the City of Elk Grove's (City) East Franklin Area Landscape Corridor Program, the City performs various landscaping improvement projects to maintain and enhance the aesthetics of the City's major roadways; and

**WHEREAS**, the Willard Parkway-Elk Grove Boulevard Median Landscape Enhancement project (Capital Improvement Project PT0110) (Project) is included in the East Franklin Area Landscape Corridor Program; and

**WHEREAS**, the Project is included in the approved 2011-16 Capital Improvement Program and is budgeted within the approved Fiscal Year 2011-12 Budget; and

**WHEREAS**, the California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code, herein after CEQA) requires that cities consider the environmental consequences of their actions before approving a project; and

**WHEREAS**, the Project is a project under CEQA; and

**WHEREAS**, Section 15301 of the State CEQA Guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations) identifies an exemption to CEQA 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." The list of example projects includes item (c), "existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety);" and

**WHEREAS**, an invitation to bid was duly advertised on May 15, 2012, bids were opened on June 14, 2012, and Procida Landscape, Inc. was determined to be the responsible bidder submitting the lowest responsive bid.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby finds that the Willard Parkway-Elk Grove Boulevard Median Landscape Enhancement Project is exempt from environmental review pursuant to Section 15301(c) of Chapter 3 of Division 6 of Title 14 of the California Code of Regulations (State CEQA Guidelines) pursuant to the following finding:

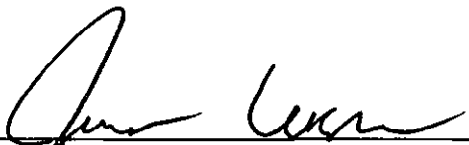
Finding: Landscaping Enhancement Projects that are included within the East Franklin Area Landscape Corridor Program are exempt from CEQA pursuant to State CEQA Guidelines Section 15301(c).

Evidence: The proposed project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301(c) (Existing Facilities). This exemption applies to the repair, maintenance, or minor alteration of existing public facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination (CEQA Guidelines Section 15301). The proposed improvements would include replacement groundcover landscaping, new tree planting; irrigation system modifications; and pruning of existing trees. Three existing dead and diseased trees will be removed. The project's improvements would not affect access to any adjacent properties and is designed to provide an esthetic view for passing motorists and pedestrians. No special circumstances exist that would create a reasonable possibility that the proposed project will have a significant adverse effect on the environment. Therefore the project qualifies for the exemption and no further environmental review is required.


**BE IT FURTHER RESOLVED** that the City Council of the City of Elk Grove hereby:

- 1) Authorizes the City Manager to execute a construction contract with Procida Landscape, Inc. for the Willard Parkway-Elk Grove Boulevard Median Landscape Enhancement Project in the amount of \$534,136 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney and the Risk Manager; and authorizes the City Engineer to approve change orders not-to-exceed \$80,120; and
- 2) Finds that should Procida Landscape, Inc. fail to meet their obligations in executing the construction contract, the City manager is thereby authorized to execute a construction with Green Valley Landscape (the second lowest responsible bidder) in the amount of \$550,191 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney and the Risk Manager; and authorizes the City Engineer to approve changer orders not-to-exceed \$82,529.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 11<sup>th</sup> day of July 2012.

  
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JAMES COOPER, MAYOR of the  
CITY OF ELK GROVE

ATTEST:  
  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
INTERIM CITY ATTORNEY

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2012-127**

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

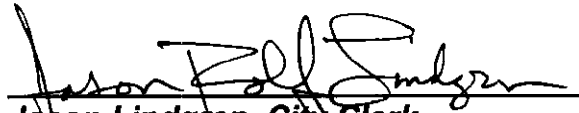
***I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 11, 2012 by the following vote:***

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

**NOES:           COUNCILMEMBERS:       None**

**ABSTAIN :       COUNCILMEMBERS:       None**

**ABSENT:         COUNCILMEMBERS:       Davis**

  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**