

RESOLUTION NO. 2013-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE EMERALD PARK DRIVE STORM DRAIN IMPROVEMENT PROJECT (WPR001); AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH MARTIN GENERAL ENGINEERING IN THE AMOUNT OF \$1,044,745.74; AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$156,712; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THE SECOND LOWEST BIDDER IF MARTIN GENERAL ENGINEERING DOES NOT MEET ITS OBLIGATIONS TO EXECUTE THE CONTRACT

WHEREAS, as part of the City of Elk Grove's (City) Storm Drain Master Plan, the City performs various system upgrades and replacement projects to maintain and enhance the aesthetics of the City's infrastructure; and

WHEREAS, as part of the City's Pavement Maintenance Program, the City performs various pavement repairs and overlays to maintain and enhance the City's streets and roads; and

WHEREAS, the Emerald Park Drive Storm Drain Improvement Project (Capital Improvement Project ID WPR001) (Project) is included in both the Drainage and Pavement Maintenance Program; and

WHEREAS, the Project is included in the approved 2011-16 Capital Improvement Program and is budgeted within the approved Fiscal Year 2012-13 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, an invitation to bid was duly advertised on March 1, 2013, bids were opened on March 25, 2013, and Martin General Engineering 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 storm drain improvements of the Emerald Park Drive Storm Drain Improvement Project are adequately covered under the Storm Drain Master Plan Environmental Impact Report pursuant to the following finding:

Finding: Storm Drain System replacements and upgrades are included in the Storm Drain Master Plan Program, which was analyzed under a prior Environmental Impact Report and no further environmental review is required.

Evidence: On December 14, 2011, the City Council certified an Environmental Impact Report (EIR) and adopted a Mitigation Monitoring and Reporting Program for the City's Storm Drainage Master Plan (SCH No. 2011012035), which included the proposed removal and replacement of the existing undersized storm drain pipe and inlets. The potential environmental impacts were adequately analyzed as part of the EIR. No substantial changes are proposed to the project and there are no substantial changes in circumstances or new information that would require major revisions to the EIR. Therefore, no further environmental review is required.

AND, BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby finds that the roadway resurfacing and sidewalk improvements of the Emerald Park Drive Storm Drain Improvement Project are 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:

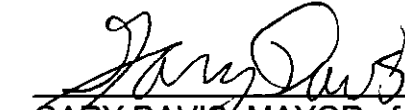
Finding: Pavement repairs and Maintenance that are part of the Annual Capital Pavement Resurfacing Program is exempt from CEQA pursuant to State CEQA Guidelines Section 15301(c).

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 minor repairs and alteration of the existing asphalt pavement, sidewalk, curb, and gutter and would not involve an expansion of existing uses. No trees would be removed. The project's improvements would not affect access to nearby residences, are designed to enhance safety on residential roads, and comply with ADA standards for pedestrian crosswalks. 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 Martin General Engineering for the Emerald Park Drive Storm Drain Improvement Project in the amount of \$1,044,745.74 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
- 2) Authorizes the City Engineer to approve change orders not to exceed \$156,712; and
- 3) Authorizes the City Manager to execute a construction contract with the second lowest bidder if Martin General Engineering does not meet its obligations to execute the contract.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 10th day of April 2013.



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2013-62**

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 April 10, 2013 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*


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