

RESOLUTION NO. 2013-67

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 SCHOOL STREET ALLEY STORM DRAINAGE IMPROVEMENTS PROJECT (WDR007); AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH SIERRA NATIONAL CONSTRUCTION DBA SIERRA NATIONAL ASPHALT IN THE AMOUNT OF \$132,487; AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$19,873; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH GLISSMAN EXCAVATING, THE SECOND LOWEST BIDDER, IF SIERRA NATIONAL CONSTRUCTION DBA SIERRA NATIONAL ASPHALT DOES NOT MEET FILING OBLIGATIONS

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, the School Street Alley Storm Drainage Improvements Project (Capital Improvement Project ID WDR007) (Project) is included in the Drainage Capital Improvements 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, on December 14, 2011, the City Council adopted Resolution No. 2011-261, certifying an Environmental Impact Report and adopting a Mitigation Monitoring and Reporting Program for, and approving, the Storm Drainage Master Plan which includes the proposed Project (SCH No. 2011012035); and

WHEREAS, an invitation to bid was duly advertised on March 13, 2013, bids were opened on April 4, 2013, and Sierra National Construction dba Sierra National Asphalt 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 School Street Alley Storm Drainage Improvements 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 installation of a drainage system. 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 paving activities included on the School Street Alley 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 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 paving of an existing alley 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. 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 Sierra National Construction dba Sierra National Asphalt for the School Street Alley Storm Drainage Improvements Project (WDR007) in the amount of \$132,487 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney and authorizes the City Engineer to approve change orders not-to-exceed \$19,873; and
- 2) Finds that should Sierra National Construction dba Sierra National Asphalt fail to meet its obligations in executing the construction contract, the City Manager is hereby authorized to execute a construction contract with Glissman Excavating (second lowest responsible bidder) in the amount of \$154,301.16 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney; and authorizes the City Engineer to approve change orders not-to-exceed \$23,145.17.


PASSED AND ADOPTED by the City Council of the City of Elk Grove this 24th 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. 2013-67**

**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 24, 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**