

RESOLUTION NO. 2018-057

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THE ELK GROVE ANIMAL SHELTER PROJECT (WFC012) REQUIRES NO FURTHER REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH ROBERT E. BOYER CONSTRUCTION, INC. FOR THE ELK GROVE ANIMAL SHELTER (WFC012) IN THE AMOUNT OF \$12,820,000; AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$1,025,600; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THE SECOND LOWEST RESPONSIVE BIDDER IF THE FIRST LOWEST RESPONSIVE BIDDER DOES NOT MEET FILING OBLIGATIONS

WHEREAS, the Elk Grove Animal Shelter (WFC012) (Project) includes a new, ground up, single story building located on an undeveloped, City owned parcel located at the Corporation Yard at the corner of Iron Flock Way and Union Park Way. The total land area required for the Project is approximately 2.80 acres, which includes indoor facilities for cats and other small mammals, indoor and outdoor kennels for dogs, outdoor animal yards, veterinary space which includes low/no-cost spay and neuter service, administration offices for shelter and animal control operations, public parking and service parking lots, electric vehicle chargers, and landscape and hardscape areas; and

WHEREAS, the Project is included in the approved Fiscal Year 2017-22 Capital Improvement Program and is budgeted with funds in the approved Fiscal Year 2017-18 Budget; and

WHEREAS, the Project is a project under California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code, hereinafter referred to as CEQA) which requires that cities consider the environmental consequences of their actions before approving a project; and

WHEREAS, in December 2008, the City Council adopted a Mitigated Negative Declaration (MND) for the Corporation Yard Facilities Master Plan and Transit Yard Facilities Master Plan (SCH# 2010062048), which contemplated the proposed Project; and

WHEREAS, in June 2017, relying the on the prior MND, the City Council approved the Project; and

WHEREAS, an invitation to bid was duly advertised on January 17, 2018 and January 24, 2018, and bids were opened on Tuesday, February 27, 2018; and

WHEREAS, Robert E. Boyer Construction, Inc. was determined to be the responsible bidder submitting the lowest responsive bid; and

WHEREAS, Diede Construction, Inc. was determined to be the responsible bidder submitting the second lowest responsive bid.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby:

- 1) Finds the Project require no further review under CEQA pursuant to Section 15162 of the State CEQA Guidelines based on the following:

The Project site was previously considered for development and included in the Corporation Yard Facilities Master Plan Update (January 2008) and analyzed pursuant to CEQA in the Mitigated Negative Declaration (MND) for the Corporation Yard Facilities Master Plan and Transit Yard Facilities Master Plan (SCH# 2010062048). The MND determined that the proposed Corporation Yard Facilities Master Plan and Transit Yard Facilities Master Plan Project would not result in any significant environmental impacts that could not be mitigated to a less than significant level. Mitigation measures were incorporated to ensure that the overall Corporation Yard Facilities Master Plan and Transit Yard Facilities Master Plan Project would have a less than significant impact on the environment and a Mitigation Monitoring and Reporting Program (MMRP) was adopted to avoid and minimize environmental impacts. The Project will be subject to applicable measures in the approved MMRP.

Further, the animal shelter includes outdoor kennels, which has the potential to increase noise levels in the Project vicinity beyond those assumed in the MND. In addition, there is a ditch present on the site, which was not analyzed in the MND. A comparative noise analysis was conducted to determine if the Project related noise would result in new or more severe noise effects would be generated than what was previously analyzed for the Corporation Yard Facilities Master Plan and Transit Yard Facilities Master Plan. The analysis determined that the proposed animal shelter would not exceed City noise thresholds or result in new or more severe noise effects than previously disclosed and that the proposed Animal Shelter Project is consistent with the assumptions in the Corporation Yard Facilities Master Plan Update and the analysis in the MND. An evaluation of the man-made ditch found that it lacks the characteristics to be a jurisdictional or isolated wetland (as defined by the 1987 Corps of Engineers Wetland Manual) or a jurisdictional non-wetland water of the US or water of the State. As a result, a wetland delineation is not required. Therefore, the previous environmental document is adequate (pursuant to CEQA Guidelines Section 15162), the Project will be subject to the previously approved MMRP, and no further CEQA review is required; and

- 2) Authorizes the City Manager to execute a construction contract with Robert E. Boyer Construction, Inc. for the Elk Grove Animal Shelter (WFC012) in the amount of \$12,820,000 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney; and,
- 3) Authorizes the City Engineer to approve change orders not-to-exceed \$1,025,600; and,

- 4) Authorizes the City Manager to execute a construction contract with the second lowest responsive bidder, Diède Construction, Inc., if, Robert E. Boyer Construction, Inc., does not meet filing obligations;

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of March 2018.



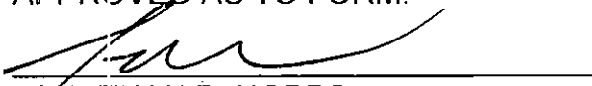
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2018-057

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

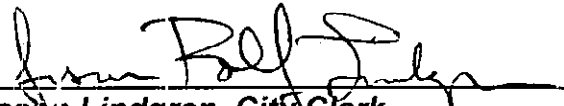
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 14, 2018 by the following vote:

AYES: **COUNCILMEMBERS:** *Ly, Suen, Detrick, Hume, Nguyen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*


Jason Lindgren, City Clerk
City of Elk Grove, California