

RESOLUTION NO. 2021-088

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING THE KAMMERER ROAD RECONSTRUCTION RAU ROAD TO LOTZ PARKWAY PROJECT (WTR017) AND KAMMERER ROAD RECONSTRUCTION BRUCEVILLE TO RAU ROAD PROJECT (WTR018); ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CAPITAL SOUTHEAST CONNECTOR A1/A2 KAMMERER ROAD PROJECT; AUTHORIZING THE CITY MANAGER TO IMPLEMENT APPLICABLE ENVIRONMENTAL MITIGATION MEASURES; AMENDING THE 2020-2025 CAPITAL IMPROVEMENT PROGRAM AND THE FISCAL YEAR 2020-21 BUDGET FOR PROJECT SCOPE, TITLE AND BUDGET; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH DESILVA GATES CONSTRUCTION, LP IN THE AMOUNT OF \$13,183,183; AND AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$1,977,477 (NO FURTHER CEQA REVIEW REQUIRED)

WHEREAS, the Kammerer Road Reconstruction Rau Road to Lotz Parkway (WTR017) and Kammerer Road Reconstruction Bruceville to Rau Road (WTR018) are being constructed together as one Project titled the Kammerer Rd Reconstruction Bruceville to Lotz Pkwy Project (WTR017) (City Project). The City Project shall reconstruct existing Kammerer Road from Bruceville Road to 1,000 feet west of Lent Ranch Parkway, with a median and one travel lane and shoulder in each direction. Four stop-sign controlled intersections will be updated with the Project (Lotz Parkway, McMillan Road/Big Horn Boulevard, Rau Road and Bruceville Road). The City Project also makes drainage improvements including ditches, storm pipes, two new detention basins, and modifications to an existing detention basin; and

WHEREAS, an invitation to bid was duly advertised on February 5, 2021, and February 12, 2021, and electronic bids were received on March 9, 2021; and

WHEREAS, DeSilva Gates Construction, LP was determined to be the responsible bidder submitting the lowest responsive bid; and

WHEREAS, the City 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, the potential environmental impacts of the City Project were disclosed and analyzed in an Initial Study/Mitigated Negative Declaration (State Clearinghouse #2018022061), prepared in support of the Capital SouthEast Connector – A1/A2 Kammerer Road Project by the Capital SouthEast Connector Joint Powers Authority (Connector JPA), who acted as the CEQA lead agency. The Connector JPA adopted a Mitigated Negative Declaration (MND), adopted a Mitigation Monitoring and Reporting Program (Connector MMRP), and approved the Capital SouthEast Connector – A1/A2 Kammerer Road Project, of which the City Project is a component, on December 14, 2018, which approvals and findings of the Connector JPA are incorporated herein by reference. Documents related to Connector JPA approval are available at : <https://www.connectorjpa.net/resources.html>. Due to funding, the Capital SouthEast Connector – A1/A2 Kammerer Road Project will be constructed in phases, the first of which includes the City Project; and

WHEREAS, the City is acting as a responsible agency under CEQA for the Capital SouthEast Connector – A1/A2 Kammerer Road Project, which includes the City Project. The City has considered the environmental effects of the Capital SouthEast Connector – A1/A2 Kammerer Road as shown in the Initial Study/MND prepared by the Connector JPA and found no substantial evidence that the City Project may result in significant impacts other than those identified. The City has also considered the Connector MMRP prepared by the Connector JPA and finds that the proposed measures will mitigate all impacts to a less than significant level; therefore, the City will adopt the Connector MMRP, as a responsible agency. The City will implement the Connector MMRP for all phases of the Capital SouthEast Connector – A1/A2 Kammerer Road Project concerning the City, including the City Project; and

WHEREAS, the potential environmental impacts of the City Project were also previously analyzed as part of the Southeast Policy Area Special Planning Area (SEPA) (State Clearinghouse #2013042054) Environmental Impact Report (EIR). The potential environmental impacts of SEPA, which includes the City Project, resulted in a determination that the project will not have a significant effect on the environment with implementation of the SEPA Mitigation Monitoring and Reporting Program (SEPA MMRP), and on July 9, 2014, the City of Elk Grove City Council, acting as the CEQA lead agency, certified the SEPA EIR, approved the SEPA project, and adopted the SEPA MMRP; and

WHEREAS, as the Connector MMRP requires mitigation through credits purchased from the South Sacramento Habitat Conservation Plan (SSCHP) for project impacts to Swainson's hawk foraging habitat impacts and farmland impacts, the City is entering into a credit purchase agreement with the SSCHP to acquire 28 credit acres of Agriculture (Cropland and Irrigated Pastureland). As each credit acre of Agriculture (Cropland and Irrigated Pastureland) costs \$17,759, the City will need to expend \$497,252 to purchase 28 credit acres however the 2019 price per acre could be updated at any time by the SSCHP prior to the time of purchase, so it is possible the total expended amount could increase by five to fifteen percent above the estimated cost of \$497,252.; and

WHEREAS, the City Project is included in the approved Fiscal Year 2020-25 Capital Improvement Program and is budgeted with funds in the approved Fiscal Year 2020-21 Budget; and

WHEREAS, the Kammerer Road Reconstruction Rau Road to Lotz Parkway (WTR017) and Kammerer Road Reconstruction Bruceville to Rau Road (WTR018) are being constructed together as one Project titled the Kammerer Rd Reconstruction Bruceville to Lotz Pkwy Project (WTR017). All construction contract and construction engineering funding will be in the Kammerer Rd Reconstruction Bruceville to Lotz Pkwy Project (WTR017) only and the Kammerer Road Reconstruction Bruceville to Rau Road (WTR018) project is for the design phase only.

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


- 1) Approves the Kammerer Rd Reconstruction Rau Road to Lotz Parkway Project (WTR017) Project and Kammerer Rd Reconstruction Bruceville to Rau Road Project (WTR018) (collectively, the City Project); and
- 2) Adopts the Mitigation Monitoring and Reporting Program for the Capital SouthEast Connector A1/A2 Kammerer Road Project (Connector MMRP) for the City Project; and
- 3) Authorizes the City Manager to file any appropriate notice of determination and to take all action and execute all documents reasonably necessary to implement environmental mitigations identified in the Connector MMRP, including, without limitation, compliance with the South Habitat Conservation Plan, as applicable to the City Project; and
- 4) Authorizes an amendment to the Fiscal Year 2020-2025 Capital Improvement Program and Fiscal Year 2020-21 Budget as follows:
 - a. Revising the City Project scope and title to “Kammerer Rd Reconstruction Bruceville to Lotz Pkwy Project (WTR017)”; and
 - b. Removing \$997,000 in Elk Grove Roadway Fee (Fund 328) funds and removing \$674,720 in CFD 2002-1 East Franklin (Fund 341) funds from the Kammerer Rd Reconstruction Bruceville to Rau Road Project (WTR018); and
 - c. Adding \$4,434,332 in Elk Grove Roadway Fee (Fund 328) funds and adding \$2,844,720 in CFD 2002-1 East Franklin (Fund 341) funds to the Kammerer Rd Reconstruction Bruceville to Lotz Pkwy Project (WTR017); and
- 5) Authorizes the City Manager to execute a construction contract with DeSilva Gates Construction, LP in the amount of \$13,183,183; and
- 6) Authorizes the City Engineer to approve change orders not-to-exceed \$1,977,477.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 25th day of March 2021.




BOBBIE SINGH-ALLEN, 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. 2021-088

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 special meeting of said Council held on March 25, 2021 by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Nguyen, Hume, Spease, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California