

## RESOLUTION NO. 2024-044

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING THE CITYWIDE CURB RAMPS 2024 PROJECT (WAC037) (CDBG-2023-06); AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH UNITED PAVEMENT MAINTENANCE, INC. FOR THE PROJECT IN THE AMOUNT OF \$533,077; AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$53,300; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THE SECOND LOWEST RESPONSIVE AND RESPONSIBLE BIDDER IF THE FIRST LOWEST RESPONSIVE AND RESPONSIBLE BIDDER DOES NOT MEET FILING OBLIGATIONS (CEQA EXEMPT)**

**WHEREAS**, the Citywide Curb Ramps 2024 Project (WAC037) (CDBG-2023-06) (Project) will result in reconstruction of approximately 51 existing concrete curb ramps including signing and striping at various locations throughout the City; and

**WHEREAS**, an invitation to bid was duly advertised on February 9, 2024 and February 16, 2024, and electronic bids were received on March 12, 2024; and

**WHEREAS**, United Pavement Maintenance, Inc. was determined to be the responsible bidder submitting the lowest responsive bid; and

**WHEREAS**, FBD Vanguard Construction, Inc. was determined to be the responsible bidder submitting the second lowest responsive bid; and

**WHEREAS**, the Project is a project under California Environmental Quality Act (Sections 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 Project qualifies for a CEQA Categorical Exemption under Class 1: Existing Facilities, per CEQA Guidelines 15301(c); and

**WHEREAS**, due to the use of federal funds for this Project, the Project is subject to the National Environmental Policy Act (42 U.S.C. 4321 et seq., hereinafter NEPA); and

**WHEREAS**, the Project qualifies for a NEPA Categorical Exclusion under 24 CFR 58.35(a): "Removal of barriers that restrict mobility and accessibility to elderly and handicapped" and therefore, no further environmental review under NEPA is required; and

**WHEREAS**, the Project is included in the approved Fiscal Year 2023-28 Capital Improvement Program and is budgeted with funds in the approved Fiscal Year 2023-24 Budget; and

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

- 1) Finds the Citywide Curb Ramps 2024 Project (WAC037) (CDBG-2023-06) exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (existing facilities) of the State CEQA Guidelines based upon the following finding:

Section 15301 (Existing Facilities) of the State CEQA Guidelines (Chapter 3 of Division 6 of Title 14 of the California Code of Regulations) provides an exemption from CEQA for projects involving the minor alteration of existing public or private facilities when the alteration involves negligible or no expansion of an existing use. The Project will remove accessibility barriers to persons using wheelchairs or other personal assistance devices by reconstructing existing curb to meet current Americans with Disabilities Act (ADA) slope and access requirements (Title II of the ADA; sections 1-10 of the ADA Accessibility Guidelines). The Project also includes new pavement markings (i.e. crosswalks) and installation of traffic signs/posts as needed. As these proposed alterations and modifications would occur within existing City-owned facilities, would negligibly expand the existing use of these facilities, and would not have a significant effect on the environment, the Project qualifies for the identified exemption. No further environmental review under CEQA is required; and

- 2) Finds the City Wide Curb Ramps 2024 Project (WAC037) (CDBG-2023-06) qualifies for a NEPA Categorical Exclusion under 24 CFR 58.35(a) based upon the following finding:

The HUD Act of 1974 and 24 CFR 58 (Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities) authorizes local governments, defined as a "Responsible Entity" (RE), to assume federal responsibility for environmental compliance. Therefore, the City, functioning as the RE for the proposed Project, is the NEPA lead agency. This Project is considered categorically excluded from NEPA analysis as it falls under 24 CFR 58.35(a): "Removal of barriers that restrict mobility and accessibility to elderly and handicapped". As the Project involves reconstructing existing curb ramps to meet current ADA slope and access requirements, it qualifies for the identified categorical exclusion. The City, functioning as the RE, prepared the Categorical Exclusion Checklist which was approved by the Capital Division Program Manager; and

- 3) Approves the Project; and
- 4) Authorizes the City Manager to execute a construction contract with United Pavement Maintenance, Inc. for the Citywide Curb Ramps 2024 Project (WAC037) (CDBG-2023-06) in the amount of \$533,077 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney; and,
- 5) Authorizes the City Engineer to approve change orders not-to-exceed \$53,300; and,
- 6) Authorizes the City Manager to execute a construction contract with the second lowest responsive bidder, FBD Vanguard Construction, Inc., in the amount of \$575,892 if United Pavement Maintenance, Inc. does not meet filing obligations.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 10<sup>th</sup> day of April 2024



BOBBIE SINGH-ALLEN, MAYOR of the  
CITY OF ELK GROVE

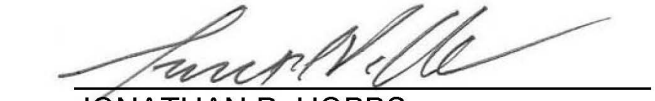
ATTEST:



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JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



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JONATHAN P. HOBBS,  
CITY ATTORNEY

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2024-044**

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, 2024 by the following vote:*

**AYES:**        **COUNCILMEMBERS:**        *Singh-Allen, Brewer, Robles, Spease, Suen*

**NOES:**        **COUNCILMEMBERS:**        *None*

**ABSTAIN:**    **COUNCILMEMBERS:**        *None*

**ABSENT:**     **COUNCILMEMBERS:**        *None*

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