

RESOLUTION NO. 2014-93

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FOR THE 2014 CITYWIDE CURB RAMP IMPROVEMENTS PROJECT (WAC007): FINDING THAT THE PROJECT IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THE NATIONAL ENVIRONMENTAL POLICY ACT; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH SIERRA NATIONAL CONSTRUCTION DBA SIERRA NATIONAL ASPHALT IN THE AMOUNT OF \$143,854; AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$21,578; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THE SECOND LOWEST BIDDER IF SIERRA NATIONAL CONSTRUCTION DBA SIERRA NATIONAL ASPHALT, DOES NOT MEET CONTRACT EXECUTION OBLIGATIONS

WHEREAS, the 2014 Citywide Curb Ramp Improvements Project (“Project”) will remove accessibility barriers to persons using wheelchairs or other personal assistance devices by reconstructing existing curb ramps to meet current Americans with Disabilities Act (ADA) slope and access requirements, curb, gutter and sidewalk and the installation of new pavement markings and traffic signs/ posts as needed at various locations within the City limits; and

WHEREAS, the Project has received allocation of Federal Grant Funds; and

WHEREAS, due to the use of federal funds for this project in the form of Community Development Block Grants funds, the project qualifies for review under the National Environmental Policy Act (42 U.S.C. 4321 et seq., herein after NEPA); 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, Section 15301(c) (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; and

WHEREAS, an invitation to bid was duly advertised on February 28, 2014 and bids were opened on April 7, 2014; and

WHEREAS, 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 2014 Citywide Curb Ramp Improvements Project is exempt from environmental review pursuant to Sections 15301 of Chapter 3 of Division 6 of Title 14 of the California Code of Regulations (State CEQA Guidelines) and exempt from NEPA pursuant to the following findings:

Finding: The proposed Project is exempt from CEQA under State CEQA Guidelines Sections 15301(c) (Existing Facilities).

Evidence: The proposed project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301(c) (Existing Facilities). This exemption applies to the minor alteration of existing public or private facilities when the alteration involves negligible or no expansion of an existing use. The proposed project consists of improvements to 16 locations. Improvements include existing curb, gutter, and sidewalk segments for the purpose of complying with the Americans with Disabilities Act and removing barriers that restrict the mobility of and accessibility to handicapped persons. Each of the Project locations has been previously improved and is located in existing City right-of-way along developed roadways in highly urbanized areas. All work will take place in existing City of Elk Grove right-of-way and the Project will not result in ground disturbance outside of the existing curb segments being replaced. As such, the Project will result in no expansion of use. No special circumstances exist that would create a reasonable possibility that the Project will have a significant adverse effect on the environment. Therefore, this Project qualifies for the identified exemption and no further environmental review is required.

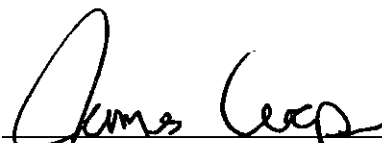
Finding: The proposed Project is categorically excluded from NEPA subject to the §58.5 statutes per 24 CFR Part 58.35(a)(1).

Evidence: A NEPA review was completed through the preparation of a Statutory Worksheet that determined the project requires no mitigation for compliance with any listed statutes or authorities, nor will it require any formal permit or license and has therefore converted to exempt status [24 CFR Part 58.34(a)(12)]

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 Project in the amount of \$143,854, upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney;
- 2) Authorizes the City Engineer to approve change orders not-to-exceed \$21,578;
- 3) Authorizes the City Manager to execute a construction contract with the second lowest bidder if Sierra National Construction dba Sierra National Asphalt, does not meet contract execution obligations.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 23rd day of April 2014.



JAMES COOPER, VICE 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. 2014-93**

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

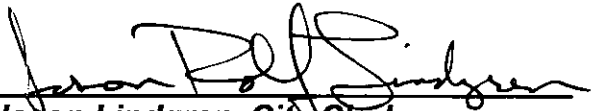
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 23, 2014 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Davis*



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