

**RESOLUTION NO. 2018-102**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH GRANITE CONSTRUCTION COMPANY FOR THE WATERMAN ROAD REHABILITATION AND BIKE LANES PROJECT (WPR010) (FEDERAL PROJECT NUMBER: STPL-5479(049)) IN THE AMOUNT OF \$1,477,000.00; AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$147,700.00; 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; AMENDING THE FY 2017-18 ANNUAL BUDGET AND FY 2017-22 CAPITAL IMPROVEMENT PROGRAM; DISPENSING WITH COMPETITIVE BIDDING PURSUANT TO ELK GROVE MUNICIPAL CODE CHAPTER 3.42, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BRYTE RANCH, LLC FOR VERNAL POOL MITIGATION IN THE AMOUNT OF \$91,800.00; AND, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES CONTRACT AMENDMENT WITH BENNETT ENGINEERING FOR THE PROJECT IN THE AMOUNT OF \$41,884.10 [ FOR A TOTAL CONTRACT AMOUNT OF \$540,726.10]**

**WHEREAS**, the Waterman Road Rehabilitation and Bike Lanes Project (WPR010) (Federal Project Number: STPL-5479(049)) (Project) shall reconstruct and rehabilitate Waterman Road between Bond Road and Sheldon Road and provide Class II Bike Lanes in the shoulder. The proposed roadway cross section is will include two travel lanes and two Class II Bike Lanes, with one travel lane and one bike lane in each direction. The Project includes replacement of several shallow storm drainage culverts. The Project will take place within the City's current right of way and no acquisition of right of way is anticipated (Work); 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**, the Project's potential environmental impacts were adequately analyzed and documented in an Initial Study which resulted in a Mitigated Negative Declaration (MND) and a Mitigation Monitoring and Reporting Program (MMRP) (State Clearing House #2017072064), and on October 11, 2017, the City Council, as the CEQA lead agency, approved the MND and the MMRP. In addition to those actions, the City Council also approved the Project, as reflected in Resolution No. 2017-241. No substantial changes are proposed to the Project and there are no substantial changes in circumstances or new information that would require revisions to the MND or the MMRP. Therefore, no further review under CEQA is required; and

**WHEREAS**, due to the Project receiving federal funding, the Project is subject to review under the National Environmental Policy Act (NEPA) with the California Department of Transportation (Caltrans) as the NEPA lead agency. Caltrans completed their review of the project and determined it exempt under 23 CFR 771.117(c): activity (c)(26) on December 27, 2017; and

**WHEREAS**, an invitation to bid was duly advertised on March 28, 2018 and April 4, 2018, and bids were opened on April 24, 2018; and

**WHEREAS**, Granite Construction Company was determined to be the responsible bidder submitting the lowest responsive bid; and

**WHEREAS**, Granite Rock Company was determined to be the responsible bidder submitting the second lowest responsive bid; 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**, amendments are needed to the Capital Improvement Program and Budget to incorporate reductions in budget upon final approval of grant funding by Caltrans and SACOG due to the exceptional bids received; and

**WHEREAS**, the City, pursuant to the Biological Opinion of the US Fish and Wildlife Service (File Number 2017-F-2375), shall mitigate for 0.34 acres of impacts to vernal pool habitat in order to construct the Project; and

**WHEREAS**, Elk Grove Municipal Code (EGMC) Section 3.42.180 provides for the procedures for purchasing commodities and equipment of a value greater than \$50,000; and

**WHEREAS**, EGMC Section 3.42.180(B)(3) provides that the City Council may dispense with the formal bidding procedures when compliance with the procedure is not in the best interest of the City;

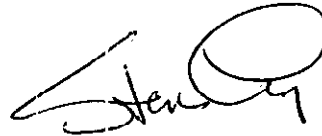
**WHEREAS**, the US Fish and Wildlife standards specify the type of mitigation bank that can be utilized for mitigation credits, based upon type of habitat, distance from the area of impact, and other relevant factors; the Bryte Ranch Conservation Bank, administered by Bryte Ranch, LLC is an approved US Fish and Wildlife mitigation bank which services the Project area and which is authorized to sell vernal pool credits; and, therefore, for the reasons presented, seeking competitive proposals for the proposed habitat mitigation is not in the City's best interests; and

**WHEREAS**, the City of Elk Grove and Bennett Engineering entered into a Professional Services Agreement (Agreement) for the Project on February 24, 2016 in the amount of \$498,842; and the City now seeks to amend that contract to provide for additional services by Bennett Engineering during the construction phase, which services were included within the prior competitive request for proposal process, and thus were competitively solicited.

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

- 1) Authorizes the City Manager to execute a construction contract with Granite Construction for the Waterman Road Rehabilitation and Bike Lanes Project (WPR010) (Federal Project Number: STPL-5479(049)) in the amount of \$1,477,000.00 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney; and
- 2) Authorizes the City Engineer to approve change orders not-to-exceed \$147,700; and
- 3) Authorizes the City Manager to execute a construction contract with the second lowest responsive bidder, Granite Rock Construction, in the amount of \$1,723,103.50, if Granite Construction does not meet filing obligations; and
- 4) Authorizes staff to amend the Annual Budget and Capital Improvement Program by reducing budgets for the Measure A Maintenance (Fund 294), Federal Capital Grants 1 (Fund 301), Elk Grove Roadway Fee (Fund 328), and Drainage Fee (Fund 503) upon agreement with SACOG, Caltrans, and the City on reduced budgets for the grant funds and required local match funds in the construction contract award package submitted to Caltrans for review by Caltrans and SACOG; and
- 5) Dispenses with competitive proposals and authorizes the City Manager to execute an agreement in substantially the form presented to the City Council with Bryte Ranch, LLC for Vernal Pool Mitigation for the Project in the amount of \$91,800.00; and
- 6) Authorizes the City Manager to execute a Professional Engineering Services contract amendment with Bennett Engineering for the Project in the amount of \$41,884.10 for a total compensation amount not-to-exceed \$540,726.10.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 23<sup>rd</sup> day of May 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. 2018-102**

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

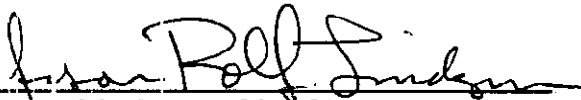
*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 23, 2018 by the following vote:*

**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**