

**RESOLUTION NO. 2020-123**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH HA CONSTRUCTION FOR THE CITY HALL BUILDING WATER INFILTRATION PROJECT (FM1803) IN THE AMOUNT OF \$360,000; AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$72,000; 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, AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$64,000, AND AMENDING THE FISCAL YEAR 2019-20 BUDGET AND 2019-2024 CAPITAL IMPROVEMENT PROGRAM BY \$521,857 (CEQA EXEMPT)**

**WHEREAS**, the City Hall Building Water Infiltration Project (FM1803) includes remediation of water leaks occurring at the south entrance and southwest corner of City Hall and new paint on the front entrances of 8380 Laguna Palms Way and 8400 Laguna Palms Way; and,

**WHEREAS**, an invitation to bid was duly advertised on May 3, 2019, and May 10, 2019, and only one bid was received by the due date of June 4, 2019, which significantly exceeded the Engineer's Estimate; and

**WHEREAS**, on June 26, 2019, Council rejected all bids and authorized the City Engineering to re-bid the Project; and

**WHEREAS**, a new invitation to bid was duly advertised on March 11, 2020, and March 18, 2020, and bids were opened on Thursday, April 9, 2020; and

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

**WHEREAS**, Swierstok Enterprise, Inc. DBA Pro Builders 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 (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**, 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. Application of new paint to the entrances of 8380 Laguna Palms Way and 8400 Laguna Palms Way falls under Section 15301(a), which exempts exterior and interior alterations and maintenance. Remediation of water leaks falls under Section 15301(d), which exempts restoration and rehabilitation of deteriorated and/or damaged structures. As the entrances painting and the water leaks remediation are minor activities which do not have significant environmental impacts and would not expand the use of the existing facilities, no further environmental review is required; and

**WHEREAS**, the Project is included as a Minor Public Works Project in the 2019-2020 Fiscal Year Budget; and

**WHEREAS**, Elk Grove Municipal Code Section 21.15.010 defines a Capital Project as a project that constructs physical improvements with a total project cost over \$250,000; and

**WHEREAS**, the total funding needed to award the project would make the total project cost exceed \$250,000.

**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 HA Construction for the City Hall Building Water Infiltration Project (FM1803) in the amount of \$360,000 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 \$72,000 for the construction contract with HA Construction; and
- 3) Authorizes the City Manager to execute a construction contract with the second lowest responsive bidder, Swierstok Enterprise, Inc. DBA Pro Builders, if HA Construction, does not meet filing obligations; and
- 4) Authorizes the City Engineer to approve change orders not-to-exceed \$64,000 for the construction contract with Swierstok Enterprise, Inc. DBA Pro Builders; and
- 5) Amends the FY 2019-2024 Capital Improvement Program and Fiscal Year 2019-20 Budget for the City Hall Building Water Infiltration Project (FM1803) by adding \$521,857 in Facilities and Fleet (Fund 602) funds.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 10<sup>th</sup> day of June 2020

  
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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. 2020-123**

**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 June 10, 2020 by the following vote:***

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

**NOES:           COUNCILMEMBERS:        *None***

**ABSTAIN:       COUNCILMEMBERS:        *None***

**ABSENT:        COUNCILMEMBERS:        *None***

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