

**RESOLUTION NO. 2021-297**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
APPROVING THE CITYWIDE CURB RAMPS 2021-2022 PROJECT  
(WAC033/WAC034) (CDBG-2020-04 AND CDBG-2021-03); AUTHORIZING THE  
CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH FBD  
VANGUARD CONSTRUCTION, INC. FOR THE PROJECT IN THE AMOUNT OF  
\$856,590; AND AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE  
ORDERS NOT-TO-EXCEED \$128,542 (CEQA EXEMPT)**

**WHEREAS**, the Citywide Curb Ramps 2021-2022 Project (WAC033/WAC034) (CDBG-2020-04 and CDBG-2021-03) (Project) will result in the following: reconstruct existing curb ramps, sidewalks and related facilities consisting of concrete demolition, pavement removal, concrete and pavement construction, traffic signs and striping, plus minor landscaping and irrigation alterations on various streets throughout the City; and

**WHEREAS**, an invitation to bid was duly advertised on August 27, 2021, and September 3, 2021, and electronic bids were received on September 21, 2021; and

**WHEREAS**, FBD Vanguard Construction, Inc. was determined to be the responsible bidder submitting the 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**, this Project qualifies for an exemption under Section 15301 (Existing Facilities) of the State CEQA Guidelines (Chapter 3 of Division 6 of Title 14 of the California Code of Regulations); 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., herein after NEPA); and

**WHEREAS**, the Project qualifies as a NEPA Categorical Exclusion under 24 CFR 58.35(a): "Removal of barriers that restrict mobility and accessibility to elderly and handicapped". The NEPA Categorical Exclusion Checklist was approved by the City Manager on July 16, 2021. No further environmental review under NEPA is required; and

**WHEREAS**, the Project is included in the approved Fiscal Year 2021-26 Capital Improvement Program and is budgeted with funds in the approved Fiscal Year 2021-22 Budget.

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

- 1) Finds that the Citywide Curb Ramps 2021/2022 Project (WAC033/WAC034) (CDBG-2020-04 and CDBG-2021-03) 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 ramps and pedestrian refuge islands 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 the installation of new pavement markings and 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.

- 2) Finds that the Citywide Curb Ramps 2021/2022 Project (WAC033/WAC034) (CDBG-2020-04 and CDBG-2021-03) qualifies for a 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 and pedestrian refuge islands 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 City Manager on July 16, 2021.

- 3) Approves the Project;
- 4) Authorizes the City Manager to execute a construction contract with FBD Vanguard Construction, Inc. for the Citywide Curb Ramps 2021-2022 Project (WAC033/WAC034) (CDBG-2020-04 and CDBG-2021-03) in the amount of \$856,590 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 \$128,542.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 13<sup>th</sup> day of October 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. 2021-297**

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 October 13, 2021 by the following vote:*

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

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

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

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

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