

RESOLUTION NO. 2011-173

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THE ASPHALT CONCRETE OVERLAY AND RUBBERIZED EMULSION AGGREGATE SLURRY SEAL PROJECT EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH VINTAGE PAVING COMPANY, INC. FOR THE ASPHALT CONCRETE OVERLAY AND RUBBERIZED EMULSION AGGREGATE SLURRY SEAL PROJECT IN THE AMOUNT OF \$528,360.75; AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$80,000.00; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THE SECOND LOWEST BIDDER IF VINTAGE PAVING COMPANY, INC. DOES NOT MEET CONTRACT FILING OBLIGATIONS

WHEREAS, as part of the City of Elk Grove's (City) Annual Capital Pavement Resurfacing Program, the City performs various surface treatments throughout the City to maintain the quality of its streets; and

WHEREAS, the Asphalt Concrete Overlay and Rubberized Emulsion Aggregate Slurry Seal Project (Capital Improvement Project ID WPR002) (Project) is included in the approved 2011-15 Capital Improvement Program and is budgeted within the approved Fiscal Year 2011-12 Budget; 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 Asphalt Concrete Overlay and Rubberized Emulsion Aggregate Slurry Seal Project is a project under CEQA; and

WHEREAS, an invitation to bid was duly advertised on August 19, 2011, bids were opened on September 6, 2011, and Vintage Paving Company, Inc. 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 Asphalt Concrete Overlay and Rubberized Emulsion Aggregate Slurry Seal Project is exempt from environmental review pursuant to Section 15301(c) of Chapter 3 of Division 6 of Title 14 of the California Code of Regulations (State CEQA Guidelines) pursuant to the following finding:

Finding: The Asphalt Concrete Overlay and Rubberized Emulsion Aggregate Slurry Seal Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301(c).

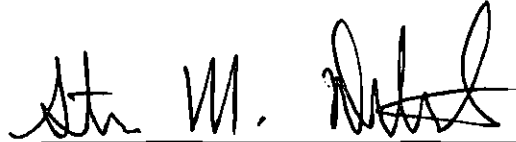
Evidence: The proposed project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301(c) (Existing Facilities). This exemption applies to the repair, maintenance, or minor alteration of existing public facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination

(CEQA Guidelines Section 15301). The proposed improvements would include minor repairs and alteration of the existing asphalt pavement, sidewalk, curb, and gutter and would not involve an expansion of existing uses. No trees would be removed. The project's improvements would not permanently affect access to nearby residences, and are designed to enhance safety on residential roads and comply with Americans with Disabilities Act (ADA) standards for pedestrian crosswalks. No special circumstances exist that would create a reasonable possibility that the proposed project will have a significant adverse effect on the environment. Therefore the project qualifies for the exemption and no further environmental review is required.

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 Vintage Paving Company, Inc. for the Asphalt Concrete Overlay and Rubberized Emulsion Aggregate Slurry Seal Project in the amount of \$528,360.75 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney; and authorizes the City Engineer to approve change orders not-to-exceed \$80,000.00; and
- 2) Finds that should Vintage Paving Company, Inc. fail to meet their obligations in executing the construction contract, the City Manager is thereby authorized to execute a construction contract with Martin General Engineering (the second lowest responsible bidder) in the amount of \$564,351.75 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney and the Risk Manager; and authorizes the City Engineer to approve change orders not-to-exceed \$84,700.00.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of September 2011.



STEVEN M. DETRICK, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN HOBBS,
INTERIM CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2011-173**

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

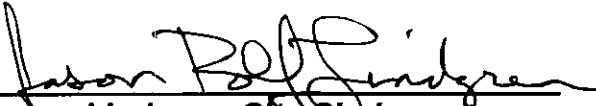
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 14, 2011 by the following vote:

AYES : **COUNCILMEMBERS:** *Detrick, Cooper, Davis, Hume, Scherman*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



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