

**RESOLUTION NO. 2012-188**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
WAIVING THE REQUIREMENTS OF SECTION 3.42.180 OF THE ELK GROVE  
MUNICIPAL CODE AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN  
AGREEMENT WITH WILDLANDS, INC. FOR THE PURCHASE OF GIANT GARTER  
SNAKE HABITAT CONSERVATION CREDITS FOR THE ELK GROVE CREEK  
TRAIL CROSSING AT STATE ROUTE 99 PROJECT IN THE AMOUNT OF \$147,350**

**WHEREAS**, the City of Elk Grove desires to construct the Elk Grove Creek Trail Crossing at State Route 99 Project (Project); and

**WHEREAS**, on October 28, 2009, the City Council adopted a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) for the Project (Resolution No. 2009-207); and

**WHEREAS**, as part of the Formal Consultation on the Project with the United States Fish and Wildlife Service (Service), the City is required to mitigate for the loss of Giant Garter Snake (GGS) habitat that results from implementing the Project; and

**WHEREAS**, the MMRP identifies the City's intent to purchase conservation credits from an approved GGS mitigation bank to mitigate for the loss of GGS habitat that results from the implementation of the Project; and

**WHEREAS**, the Project will result in the temporary loss of 1.6 acres of GGS habitat (mitigated at a 1:1 ratio) and the permanent loss of 0.87 acres of GGS habitat (mitigated at a 3:1 ratio), resulting in a total mitigation credit requirement of 4.21 acres; and

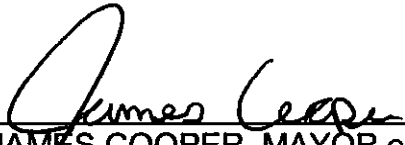
**WHEREAS**, the United States Fish and Wildlife Service permitted the City to purchase GGS mitigation credits from only three approved mitigation banks; and

**WHEREAS**, Staff has received quotes from all three approved GGS mitigation banks and determined that Wildlands, Inc. Gilsizer Slough South Mitigation Bank provides GGS credits at a lower rate than the other approved banks within the City's service area; and

**WHEREAS**, it is not in the best interest of the City to publicly advertise for bids when there are only three approved mitigation banks that can submit useable bids and the City has quotes from all three banks.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby waiving the requirements of Section 3.42.180(A) of the Elk Grove Municipal Code and authorizes the City Manager, or her designee, to execute an agreement with Wildlands, Inc. to purchase Giant Garter Snake habitat conservation credits for the Elk Grove Creek Trail Crossing at State Route 99 Project. in the amount of \$147,350 as required by the formal consultation with the United States Fish and Wildlife Service

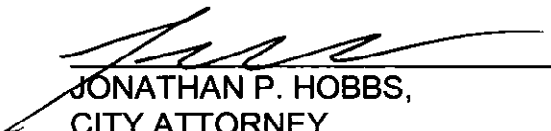
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 24<sup>th</sup> day of October 2012.

  
\_\_\_\_\_  
JAMES COOPER, 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. 2012-188**

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

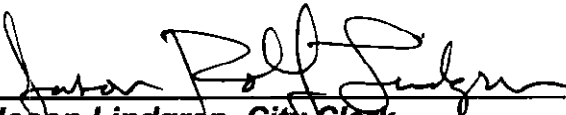
***I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 24, 2012 by the following vote:***

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

**NOES:            COUNCILMEMBERS:        None**

**ABSTAIN :        COUNCILMEMBERS:        None**

**ABSENT:         COUNCILMEMBERS:        Scherman**

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