

RESOLUTION NO. 2013-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH MOUNTAIN F. ENTERPRISES, INC. FOR THE TREE AND VEGETATION REMOVAL ON THE LAGUNA WEST LEVEES EAST OF INTERSTATE 5 AND SOUTH OF ELK GROVE BOULEVARD PROJECT (WDR020) IN THE AMOUNT OF \$25,444; AND AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$4,350; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THE SECOND LOWEST BIDDER IF MOUNTAIN F. ENTERPRISES, INC., DOES NOT MEET FILING OBLIGATIONS

WHEREAS, the Tree and Vegetation Removal east of Interstate 5 and south of Elk Grove Boulevard Project (WDR020) (Project) will remove existing trees and vegetation 1" or greater in diameter to comply with U.S. Army Corps of Engineers (USACE) vegetation-free zone requirements; and

WHEREAS, not complying with the USACE's regulations may put residents and the City of Elk Grove (City) at risk; and

WHEREAS, the City will be removed from the USACE PL8499 Program for rehabilitation assistance to rebuild a failed levee in the event of a natural disaster; 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, Section 15301(h) 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 maintenance of existing landscaping; and

WHEREAS, an invitation to bid was duly advertised on March 29, 2013 and bids were opened on April 12, 2013; and

WHEREAS, Mountain F. Enterprises, Inc., was determined to be the responsible bidder submitting the lowest responsive bid; and

WHEREAS, the Project is included in the approved 2012-17 Capital Improvement Program and is budgeted with funds in the approved Fiscal Year 2012-13 Budget.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds that the Tree and Vegetation Removal on the Laguna West Levees East of Interstate 5 and South of Elk Grove Boulevard Project is exempt from environmental review pursuant to Section 15301(h) 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 proposed project is exempt from CEQA under State CEQA Guidelines Section 15301(h).

Evidence: The proposed project is exempt from CEQA under State CEQA Guidelines Section 15301(h). This exemption applies to the maintenance of existing landscaping. The proposed activity involves the removal of existing trees and vegetation located within the USACEs' vegetation-free zone along levees in the City. The work will ensure that the levees maintain their federal certification, allowing for federal assistance to rebuild the levee if it fails in a flood or storm. The site is located within the urban area of the City on land that is already developed and not environmentally sensitive. No special circumstances exist that would create a reasonable possibility that the Project will have a significant adverse effect on the environment. Therefore, the Project qualifies for this exemption and no further environmental review is required.

AND, 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 Mountain F. Enterprises, Inc. for the Tree and Vegetation Removal east of Interstate 5 and south of Elk Grove Boulevard Project (WDR020) in the amount of \$25,444, upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney;
- 2) Authorizes the City Engineer to approve change orders not-to-exceed \$4,350;
- 3) Authorizes the City Manager to execute a construction contract with the second lowest bidder if Mountain F. Enterprises, Inc., does not meet filing obligations.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 8th day of May 2013.



GARY DAVIS, 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. 2013-81**

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 8, 2013 by the following vote:

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

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*


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