

RESOLUTION NO. 2013-242

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE ELK CREST DRIVE STORM DRAIN PIPE REPLACEMENT PROJECT (PD0011); AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH MOUNTAIN CASCADE INC. IN THE AMOUNT OF \$759,850.80; AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$114,000; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THE SECOND LOWEST BIDDER IF MOUNTAIN CASCADE INC. DOES NOT MEET FILING OBLIGATIONS.

WHEREAS, pursuant to the City of Elk Grove's (City) Storm Drain Master Plan, the City performs various system upgrades and replacement projects to maintain and enhance the aesthetics of the City's infrastructure; and

WHEREAS, the Elk Crest Drive Storm Drain Pipe Replacement Project (Capital Improvement Project ID No. PD0011) (Project) is included in the Storm Drain Master Plan; 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 Project is a project under CEQA; and

WHEREAS, on December 14, 2011, the City Council adopted Resolution 2011-261, certifying an Environmental Impact Report and adopting a Mitigation Monitoring and Reporting Program for, and approving, the Storm Drainage Master Plan which includes the proposed Project (SCH No. 2011012035); and

WHEREAS, an invitation to bid was duly advertised on October 23, 2013 and bids were opened on November 21, 2013; and

WHEREAS, Mountain Cascade, 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 storm drain improvements of the Elk Crest Drive Storm Drain Pipe Replacement Project are adequately covered under the Storm Drain Master Plan Environmental Impact Report pursuant to the following finding:

Finding: Storm Drain System replacements and upgrades are included in the Storm Drain Master Plan Program, which was analyzed under a prior Environmental Impact Report and no further environmental review is required.

Evidence: On December 14, 2011, the City Council certified an Environmental Impact Report (EIR) and adopted a Mitigation Monitoring and Reporting Program for the City's Storm Drainage Master Plan (SCH No. 2011012035), which included the proposed removal and replacement of the existing undersized storm drain pipe and manholes. The potential environmental impacts were adequately analyzed as part of the EIR. No

substantial changes are proposed to the project and there are no substantial changes in circumstances or new information that would require major revisions to the EIR. Therefore, no further environmental review is required.

AND, BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby finds that the roadway repair and resurfacing improvements being performed as part of the Elk Crest Drive Storm Drain Pipe Replacement Project, which were not a part of the Storm Drain Master Plan are 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:

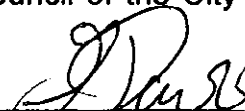
Finding: The proposed Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301(c) (Existing Facilities).

Evidence: State CEQA Guidelines Section 15301(c) (Existing Facilities) 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 and would not involve an expansion of existing uses. No trees would be removed. The project's improvements would not affect access to nearby residences. 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.

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 Cascade, Inc. for the Elk Crest Drive Storm Drain Pipe Replacement Project (PD0011) in the amount of \$759,850.80, 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 \$114,000;
- 3) Authorizes the City Manager to execute a construction contract with K.W. Emerson, Inc. in the amount of \$779,528 if Mountain Cascade, Inc does not meet filing obligations.


PASSED AND ADOPTED by the City Council of the City of Elk Grove this 11th day of December 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. 2013-242**

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 December 11, 2013 by the following vote:

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

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *Cooper*


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