

**RESOLUTION NO. 2019-154**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ACCEPTING THE BIG HORN BOULEVARD – LOS RIOS COLLEGE DRIVEWAY TO BILBY ROAD (WTR026) AND BILBY ROAD IMPROVEMENTS – BRUCEVILLE ROAD TO SHED C CHANNEL (WTR029) PROJECTS AS COMPLETE; AUTHORIZING THE CITY ENGINEER TO PREPARE AND THE CITY CLERK TO FILE THE NOTICE OF COMPLETION WITH THE SACRAMENTO COUNTY RECORDER; AND AUTHORIZING STAFF TO AMEND THE ANNUAL BUDGET AND CAPITAL IMPROVEMENT PROGRAM BY REDUCING THE REMAINING PROJECT BUDGET AUTHORITY TO ZERO AND RETURNING ANY REMAINING FUNDS BACK TO THEIR RESPECTIVE FUND(S)**

**WHEREAS**, on August 23, 2017, the City Council authorized the award of a construction contract to DeSilva Gates Construction LP, for the Big Horn Boulevard – Los Rios College Driveway to Bilby Road (WTR026) and Bilby Road Improvements – Bruceville Road to Shed C Channel (WTR029) Projects; and

**WHEREAS**, the Projects included the construction of approximately 1.7 miles of new roadway, including earthwork, trunk sewer, sewer force mains, storm drain pipes, storm drain facilities, water lines, joint trench for electrical, gas, and communications, and pavement at the southerly extension of Big Horn Boulevard south of Whitelock Parkway and the easterly extension of Bilby Road east of Bruceville Road; and

**WHEREAS**, DeSilva Gates Construction LP has completed the work in accordance with the terms and conditions of the contract documents for the Projects; and

**WHEREAS**, a notice of potential claim by the Contractor has been submitted to the City, where the City will set aside \$273,000 to cover potential exposures due to this potential claim; and

**WHEREAS**, if no liens or additional claims have been filed within thirty-five (35) days of filing the Notice of Completion, the retained payment funds and any remaining amount due will be released to DeSilva Gates Construction LP and the one-year warranty period covering the work will begin; and

**WHEREAS**, the Projects will be reimbursed for the trunk sewer portion of the Projects (sewer pipes that are 12” diameter or greater) in accordance with the Reimbursement Agreements with the Sacramento Area Sewer District (SASD); and

**WHEREAS**, SASD will provide reimbursement for the trunk sewer portion of the Projects in terms of sewer credits and cash, where payment would occur at the time of a developer’s Final Map recordation, consistent with existing practice; and

**WHEREAS**, the Projects will be reimbursed for the potable and recycled water transmission main portion of the Projects also, in accordance with the Reimbursement Agreements with the Sacramento County Water Agency (SCWA); and

**WHEREAS**, SCWA will provide reimbursement for the potable and recycled water transmission main portion of the Projects in terms of seven equal annual payments, with

the first payment due within sixty (60) days from the date of receipt by SCWA of an acceptable invoice and complete documentation package from the City; and

**WHEREAS**, post construction work is typically completed within one hundred twenty (120) days of the City Clerk filing the Notice of Completion with the Sacramento County Recorder and then all invoices can be paid; and

**WHEREAS**, as directed by Resolution No. 2017-193, within 120 days of filing of the Notice of Completion or resolution of the notice of potential claim, whichever occurs later, staff will return to Council with a final reconciliation report of project costs between the Elk Grove Roadway Fee and the Laguna Ridge CFD 2005-1, which will also identify the amounts that the two project funds shall receive from the reimbursement payments from SASD and SCWA.

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

- 1) Accepts the Big Horn Boulevard – Los Rios College Driveway to Bilby Road (WTR026) and Bilby Road Improvements – Bruceville Road to Shed C Channel (WTR029) Projects as complete;
- 2) Authorizes the City Engineer to prepare a Notice of Completion and the City Clerk to file the Notice of Completion for the Project with the Sacramento County Recorder; and
- 3) Authorizes staff to amend the Annual Budget and Capital Improvement Program by reducing the remaining project budget authority to zero and returning any remaining funds back to their respective fund(s).

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 24<sup>th</sup> day of July 2019



PATRICK HUME, VICE 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. 2019-154**

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 July 24, 2019 by the following vote:***

**AYES:           COUNCILMEMBERS:     Hume, Detrick, Nguyen, Suen**

**NOES:           COUNCILMEMBERS:     None**

**ABSTAIN:       COUNCILMEMBERS:     None**

**ABSENT:        COUNCILMEMBERS:     Ly**

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