

RESOLUTION NO. 2011-210

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THE ELK GROVE TEEN CENTER USA (8978 ELK GROVE BLVD) REPLACEMENT WINDOW PROJECT EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THE NATIONAL ENVIRONMENTAL POLICY ACT; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH CALIFORNIA WINDOW INDUSTRIES OF YUBA CITY FOR THE REPLACEMENT OF THE TEEN CENTER USA WINDOWS IN THE AMOUNT OF \$18,490; AND AUTHORIZING THE CITY'S FACILITIES AND FLEET MANAGER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$4,350

WHEREAS, the City of Elk Grove provided a Community Development Block Grant (CDBG) to the Teen Center USA for facility improvements; and

WHEREAS, the Teen Center USA staff determined the best use of the funds was to replace the single pane windows with energy efficient dual pane windows; and

WHEREAS, in August 2011 the City advertised for bids for the replacement of the Teen Center USA windows; and

WHEREAS, the California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code, hereafter CEQA), Public Resources Code section 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, section 15000 et seq., requires that cities consider the environmental consequences of their actions before approving a project; and

WHEREAS, the National Environmental Policy Act (42 U.S.C. 4321 et seq, herein after NEPA), requires the evaluation of the environmental effects of an undertaking because the Project is CDBG funded and qualifies for a Categorical Exclusion pursuant to 24 CFR Part 58.35(a)(1) as "acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities...when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent."; and

WHEREAS, the Teen Center USA (8978 Elk Grove Boulevard) Replacement Window Project (Project) is a project under CEQA and NEPA; and

WHEREAS, pursuant to CEQA guidelines Section 15301 (a) this Project is exempt; and

WHEREAS, pursuant to NEPA guidelines, the Project qualifies for a Categorical Exclusion pursuant to 24 CFR Part 58.35(a)(1); and

WHEREAS, on September 22, 2011, California Window Industries of Yuba City submitted the lowest responsive responsible bid as a participant in a public competitive bidding process.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds that the Teen Center USA (8978 Elk Grove Boulevard) Window Replacement Project (Project) is exempt from the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA) pursuant to the following findings:

Finding: The proposed Project qualifies for a Categorical Exemption pursuant to Section 15301(a) of the State CEQA Guidelines.

Evidence: The proposed Project qualifies for a Categorical Exemption pursuant to Section 15301(a) of the State CEQA Guidelines. The proposed project will not increase the capacity or footprint of the existing building, nor will it result in new uses. No special circumstances exist that would create a reasonable possibility that the Project will have a significant adverse effect on the environment.


Finding: The proposed Project qualifies for a Categorical Exclusion pursuant to 24 CFR Part 58.35(a)(1) of the National NEPA Guidelines.

Evidence: The proposed Project qualifies for a Categorical Exclusion pursuant to 24 CFR Part 58.35(a)(1) of the National NEPA Guidelines. The proposed project is an "acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities...when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent." No further review pursuant to NEPA 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 California Window Industries of Yuba City in the amount of \$18,490 for the base bid for the Teen Center USA window replacement project, and
- 2) Authorizes the City's Facilities and Fleet Manager to approve change orders for the Teen Center USA window replacement project in an amount not-to-exceed \$4,350.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 9th day of November 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. 2011-210**

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 November 9, 2011 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Cooper, Scherman*



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