

RESOLUTION NO. 2012-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THE CITYWIDE CURB RAMP ACCESSIBILITY IMPROVEMENTS PROJECT EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH NAVAJO PIPELINES, INC. FOR THE CITYWIDE CURB RAMP ACCESSIBILITY IMPROVEMENTS PROJECT IN AN AMOUNT NOT-TO-EXCEED \$140,000, INCLUDING CHANGE ORDERS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH ALL PHASE CONSTRUCTION AND ENGINEERING, INC., THE SECOND LOWEST BIDDER, IF NAVAJO PIPELINES, INC. DOES NOT MEET CONTRACT EXECUTION OBLIGATIONS

WHEREAS, the Citywide Curb Ramp Accessibility Improvements Project (Capital Improvement Project No. WAC002) is budgeted within the approved Fiscal Year 2012-13 Budget; and

WHEREAS, an invitation to bid was duly advertised on March 1, 2012, and bids were opened on March 22, 2012; and

WHEREAS, Navajo Pipelines, Inc. was determined to be the responsible bidder submitting the lowest responsive bid; and

WHEREAS, the California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code, hereafter CEQA) and the State CEQA Guidelines (Division 6 of Chapter 3 of Title 14 of the California Code of Regulations) requires that cities consider the environmental consequences of their actions before approving a project; and

WHEREAS, the Citywide Curb Ramp Accessibility Improvements Project is an exempt project under CEQA; and

WHEREAS, due to the use of federal funds for this project in the form of Community Development Block Grants funds, the project qualifies for review under the National Environmental Policy Act (42 U.S.C. 4321 et seq., herein after NEPA); and

WHEREAS, the NEPA review was completed on February 28, 2012 and this project is found categorically exempt in pursuant with 24 CFR 58.35(a)(1); and

WHEREAS, Section 15301 of the State CEQA Guidelines provides an exemption for projects that involve the repair, maintenance, or minor alteration of existing public and private facilities, structures, and equipment involving negligible or no expansion of use beyond that existing at the time of the determination. Specific examples cited in the exemption includes, but are not limited to, existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove hereby finds that the proposed Citywide Curb Ramp Accessibility Improvements Project (Capital Improvement Project No. WAC002) (the "Project") are exempt from CEQA pursuant to the following finding:


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

Evidence: The proposed Project qualifies for a Categorical Exemption pursuant to Section 15301(c) of the State CEQA Guidelines. The Section 15301(c) exemption applies to the repair, maintenance, or minor alteration of existing public and private facilities, structures, and equipment involving negligible or no expansion of use beyond that existing at the time of the determination. Specific examples cited in the exemption includes, but are not limited to, existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities. As noted in exemption class, the key consideration is whether the project involves "negligible or no expansion of an existing use." The Project includes minor alterations to existing sidewalk facilities for the purpose of improving safety and accessibility. Each of the Project locations has been previously disturbed or improved and is located along major roadways in highly urbanized areas. All Project work will take place in existing City of Elk Grove rights-of-way and will not result in ground disturbance outside of the existing sidewalk and curb segments being replaced. As such, the Project will result in no expansion of use. This project is therefore exempt pursuant to the Section 15301(c) exemption and no further environmental review is required.

BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby:

- 1) Authorizes the City Manager, subject to inclusion of this project into the 2011-2012 CDBG Action Plan with appropriate funding, to execute a construction contract with Navajo Pipelines, Inc. for the Citywide Curb Ramp Accessibility Improvements project in an amount not-to-exceed \$140,000 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney; and
- 2) Finds that should Navajo Pipelines, Inc. fail to meet their obligations in executing the construction contract, the City Manager is thereby authorized to execute a construction contract with All Phase Construction and Engineering, Inc., (second lowest responsible bidder) in an amount not-to-exceed \$140,000 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 28th day of March 2012.



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK



JONATHAN HOBBS,
INTERIM CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2012-49**

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 March 28, 2012 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



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