

**RESOLUTION NO. 2012-194**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THE OLD TOWN UPRR PARCEL FENCE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND DIRECTING THE FILING OF A NOTICE OF EXEMPTION, AUTHORIZING THE CITY MANAGER TO DETERMINE THE RESPONSIBLE BIDDER SUBMITTING THE LOWEST RESPONSIBLE BID AND EXECUTE A CONSTRUCTION CONTRACT WITH AN APPROPRIATE CONTINGENCY IN A TOTAL AMOUNT NOT-TO-EXCEED \$50,000**

**WHEREAS**, the City of Elk Grove established the Old Town Union Pacific Railroad (UPRR) Parcel Fence Project (WMI001) (Project) to provide fencing to separate it from the adjacent railroad; and

**WHEREAS**, the design and bidding documents have been completed; 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**, there is sufficient funding for construction within the General Fund; and

**WHEREAS**, on or about October 26, 2012, the City will advertise for bids for construction of the Project; and

**WHEREAS**, on or about November 5, 2012, the City will receive bids and due to the need to complete the fencing quickly, the City Manager proposes to determine the responsible bidder submitting the lowest responsive 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 Project exempt from CEQA pursuant to State CEQA Guidelines Section 15301 based upon the following finding:

Finding: The Old Town UPRR Parcel Fence Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15303.

Evidence: The proposed project is exempt from CEQA under State CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures). A Categorical Exemption Class 3 applies to the construction and location of limited numbers of new, small facilities or structures. Subsection (e) specifically describes accessory structures including garages, carports, swimming pools, and fences. The proposed project

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2012-194**

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 special meeting of said Council held on October 24, 2012 by the following vote:*

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

**NOES:**       **COUNCILMEMBERS:**     **Detrick**

**ABSTAIN :**   **COUNCILMEMBERS:**     **None**

**ABSENT:**     **COUNCILMEMBERS:**     **Scherman**

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