

## RESOLUTION NO. 2013-35

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THE 2013 CITYWIDE CURB RAMP ACCESSIBILITY IMPROVEMENT PROJECT (WAC005) EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH DAVID ENGINEERING CONSTRUCTION, INC IN THE AMOUNT OF \$115,286; AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$17,314; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THE SECOND LOWEST BIDDER IF DAVID ENGINEERING CONSTRUCTION, INC, DOES NOT MEET FILING OBLIGATIONS**

**WHEREAS**, the 2013 Citywide Curb Ramp Accessibility Improvement Project (Project) will remove and install curb ramp, curb, gutter and sidewalk at various locations within the City limits and remove and install traffic stripes and pavement markings; and

**WHEREAS**, the Project has received allocation of Federal Grant Funds; 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 project is categorically excluded from NEPA subject to the §58.5 statutes per 24 CFR Part 58.35(a)(1), and the NEPA review was completed through the preparation of a Statutory Worksheet that determined the project requires no mitigation for compliance with any listed statutes or authorities, nor will it require any formal permit or license and has therefore converted to exempt status [24 CFR Part 58.34(a)(12)]; 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**, Section 15301 (Existing Facilities) of the State CEQA Guidelines (Chapter 3 of Division 6 of Title 14 of the California Code of Regulations) provides an exemption from CEQA for projects involving the minor alteration of existing public or private facilities when the alteration involves negligible or no expansion of an existing use; and

**WHEREAS**, an invitation to bid was duly advertised on January 18, 2013 and bids were opened on February 19, 2013; and

**WHEREAS**, David Engineering Construction, 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 2013 Citywide Curb Ramp Accessibility Improvement Project is exempt from environmental review pursuant to Sections 15301 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 under State CEQA Guidelines Sections 15301 (Existing Facilities).

Evidence: The proposed project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Existing Facilities). This exemption applies to the minor alteration of existing public or private facilities when the alteration involves negligible or no expansion of an existing use. The proposed improvements will remove 27 existing concrete sidewalk and curb segments throughout the City and replace them with curb ramps that meet Americans with Disability Act (ADA) slope and access requirements. Each of the project locations has been previously improved and is located in existing City right-of-way along developed roadways in highly urbanized areas. Project work 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. No special circumstances exist that would create a reasonable possibility that the project will have a significant adverse effect on the environment. Therefore, the Project qualifies for this 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 to execute a construction contract with David Engineering Construction, Inc for the 2013 Citywide Curb Ramp Accessibility Improvement Project (WAC005) in the amount of \$115,286, 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 \$17,314;
- 3) Authorizes the City Manager to execute a construction contract with the second lowest bidder if David Engineering Construction, Inc, does not meet filing obligations.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 27<sup>th</sup> day of February 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. 2013-35**

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 February 27, 2013 by the following vote:*

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

**NOES:**       **COUNCILMEMBERS:**       *None*

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

**ABSENT:**    **COUNCILMEMBERS:**       *None*

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