

RESOLUTION NO. 2017-097

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING THE GILLIAM DRIVE TRAIL CONNECTOR PROJECT (PT0124) AND FINDING IT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH B&M BUILDERS, INC. FOR THE GILLIAM DRIVE TRAIL CONNECTOR PROJECT (PT0124) IN THE AMOUNT OF \$191,569; AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$28,700; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THE SECOND LOWEST RESPONSIVE BIDDER IF THE FIRST LOWEST RESPONSIVE BIDDER DOES NOT MEET FILING OBLIGATIONS

WHEREAS, the Gilliam Drive Trail Project (PT0124) (Project) includes installation of an asphalt trail to connect the existing multi-use trail adjacent to Stephenson Family Park to Gilliam Drive along Franklin Creek, and shall also construct a fence along a future school site, south of the new trail; and

WHEREAS, the Project is included in the approved Fiscal Year 2016-21 Capital Improvement Program and is budgeted with funds in the approved Fiscal Year 2016-17 Budget; and

WHEREAS, the Project is a project under California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code, hereinafter referred to as CEQA), which 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, Section 15304 (Minor Alterations to Land) 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 a minor alterations in the condition of land water, and/or vegetation which do not involve removal of healthy, mature, scenic trees; and.

WHEREAS, an invitation to bid was duly advertised on March 1, 2017 and March 8, 2017, and bids were opened on March 23, 2017; and

WHEREAS, B&M Builders, 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 approves the Project and finds the Project exempt from CEQA pursuant to the following finding:

Finding: The proposed Project is exempt from CEQA pursuant to section 15301 and 15304 of the State CEQA Guidelines.

Evidence: Staff has reviewed the Project to determine the required level of review under CEQA. This Project is exempt under California Environmental Quality Act (CEQA) Categorical Exemption Class 4 –Minor Alterations to Land (CEQA Guidelines Section 15304). This exemption applies to minor public or private alterations in the condition of land water, and/or vegetation which do not involve removal of healthy, mature, scenic trees. Examples of this category of exemption includes creation of bicycle lanes on existing rights of way. As noted above, the Project would pave an existing trail in an existing right of way. The Project is also exempt under Categorical Exemption Class 1 – Existing Facilities (CEQA Guidelines Section 15301), because it involves the minor alteration of an existing public pedestrian and bicycle trail with negligible expansion beyond its existing use. The Project would grade land with a slope less than 10 percent in an area not designated as a waterway, wetland, scenic area, or in an officially mapped area of severe geologic hazard. The Project would pave an existing dirt trail and would not remove or impact adjacent grasslands that are potential Swainson's hawk foraging habitat. During construction, appropriate protective fencing would be installed around the Project perimeter to prevent impacts to adjacent habitat. The Project's improvements would not affect access to nearby residences. No special circumstances exist that would create a reasonable possibility that the proposed Project would have a significant adverse effect on the environment. Therefore, the Project is exempt from CEQA pursuant to CEQA Guidelines Sections 15301 and 15304, and no further environmental review is required.

AND 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 B&M Builders, Inc. for the Gilliam Drive Trail Connector Project (PT0124) in the amount of \$191,569 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney; and,
- 2) Authorizes the City Engineer to approve change orders not-to-exceed \$28,700; and,
- 3) Authorizes the City Manager to execute a construction contract with the second lowest responsive bidder, Farris Construction, if, B&M Builders, Inc., does not meet filing obligations; and,

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 26th day of April 2017.




STEVE LY, 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. 2017-097**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

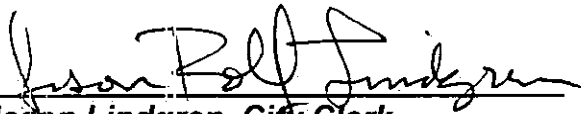
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 26, 2017 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Nguyen*



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