

RESOLUTION NO. 2023-006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING THE CITY WIDE CURB RAMPS 2023 PROJECT (WAC035) (CDBG-2022-02); AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH FBD VANGUARD, INC. FOR THE PROJECT IN THE AMOUNT OF \$798,998.50; AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$79,900.00; AND AMENDING THE FISCAL YEAR 2022-23 BUDGET AND FISCAL YEAR 2022-2027 CAPITAL IMPROVEMENT PROGRAM BUDGET (CEQA EXEMPT)

WHEREAS, the City Wide Curb Ramps 2023 Project (WAC035) (CDBG-2022-02) (Project) includes the removal of accessibility barriers to persons using wheelchairs or other personal assistance devices by reconstructing curb ramps to meet current ADA accessibility requirements (Work); and

WHEREAS, an invitation to bid was duly advertised on November 11, 2022 and November 18, 2022, and electronic bids were received on December 13, 2022; and

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

WHEREAS, the Project is a project under the 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, this Project qualifies for an exemption under Section 15301 (Existing Facilities) of the State CEQA Guidelines (Chapter 3 of Division 6 of Title 14 of the California Code of Regulations); and

WHEREAS, due to the use of federal funds for this Project, the Project is subject to the National Environmental Policy Act (42 U.S.C. 4321 et seq., hereinafter NEPA); and

WHEREAS, the Project qualifies as a NEPA Categorical Exclusion under 24 CFR 58.35(a): "Removal of barriers that restrict mobility and accessibility to elderly and handicapped" and no further environmental review under NEPA is required; and

WHEREAS, the Capital Program Division Manager shall have authority to sign both National Environmental Policy Act and California Environmental Quality Act environmental documents that may be necessary for a Project; and

WHEREAS, the Project is included in the approved Fiscal Year 2022-27 Capital Improvement Program and is budgeted with funds in the approved Fiscal Year 2022-23 Budget.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby:

- 1) Finds the City Wide Curb Ramps 2023 Project (WAC035) (CDBG-2022-02) exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (existing facilities) of the State CEQA Guidelines based upon the following finding:

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. The Project will remove accessibility barriers to persons using wheelchairs or other personal assistance devices by reconstructing existing curb to meet current Americans with Disabilities Act (ADA) slope and access requirements (Title II of the ADA; sections 1-10 of the ADA Accessibility Guidelines). The Project also includes new pavement markings (i.e. crosswalks) and installation of traffic signs/posts as needed. As these proposed alterations and modifications would occur within existing City-owned facilities, would negligibly expand the existing use of these facilities, and would not have a significant effect on the environment, the Project qualifies for the identified exemption. No further environmental review under CEQA is required.; and

- 2) Finds the City Wide Curb Ramps 2023 Project (WAC035) (CDBG-2022-02) qualifies for a Categorical Exclusion under 24 CFR 58.35(a) based upon the following finding:

The HUD Act of 1974 and 24 CFR 58 (Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities) authorizes local governments, defined as a “Responsible Entity” (RE), to assume federal responsibility for environmental compliance. Therefore, the City, functioning as the RE for the proposed Project, is the NEPA lead agency. This Project is considered categorically excluded from NEPA analysis as it falls under 24 CFR 58.35(a): “Removal of barriers that restrict mobility and accessibility to elderly and handicapped”. As the Project involves reconstructing existing curb ramps to meet current ADA slope and access requirements, it qualifies for the identified categorical exclusion. The City, functioning as the RE, prepared the Categorical Exclusion Checklist which was approved by the Capital Division Program Manager.

- 3) Authorizes the Capital Program Division Manager to sign both National Environmental Policy Act and California Environmental Quality Act environmental documents that may be necessary for a Project;
- 4) Approves the Project;
- 5) Authorizes the City Manager to execute a construction contract with FBD Vanguard, Inc., for the City Wide Curb Ramps 2023 Project (WAC035) (CDBG-2022-02) in the amount of \$798,998.50 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney; and,
- 6) Authorizes the City Engineer to approve change orders not-to-exceed \$79,900; and,

7) Amends the Fiscal Year 2022-2023 Budget and Fiscal Year 2022-2027 Capital Improvement Program as follows:

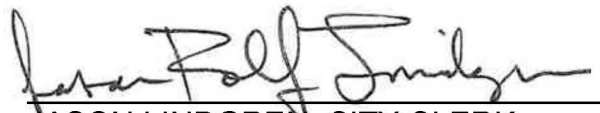
- a. Remove \$208,847.19 in CDBG funds (Fund 241) from the City Wide Curb Ramps 2022 Project (WAC034) in Fiscal Year 2022-2023; and
- b. Add \$260,305.20 in CDBG funds (Fund 241) for the City Wide Curb Ramps 2023 Project (WAC035) (CDBG-2022-02) in Fiscal Year 2022-2023.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 11th day of January 2023



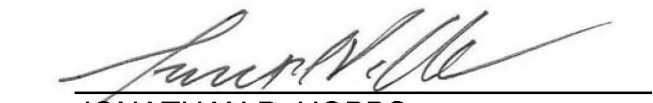
BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2023-006**

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 January 11, 2023 by the following vote:

AYES: COUNCILMEMBERS: *Singh-Allen, Spease, Brewer, Robles, Suen*

NOES: COUNCILMEMBERS: *None*

ABSTAIN: COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*



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