

RESOLUTION NO. 2011-164

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THE ELK GROVE RAIN GARDEN PLAZA PROJECT EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH JM SLOVER, INC. FOR THE PROJECT IN THE AMOUNT OF \$368,194.05; AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$73,805.95; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THE SECOND LOWEST BIDDER IF JM SLOVER, INC. DOES NOT MEET FILING OBLIGATIONS

WHEREAS, the Elk Grove Rain Garden Plaza Project (Capital Improvement Project ID WDR010) is budgeted within the approved Fiscal Year 2011-12 Budget; and

WHEREAS, an invitation to bid was duly advertised on July 29, 2011 and bids were opened on August 12, 2011; and

WHEREAS, JM Slover, 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, herein after CEQA) requires that cities consider the environmental consequences of their actions before approving a project; and

WHEREAS, the Elk Grove Rain Garden Plaza Project is a project under CEQA.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds that the Elk Grove Rain Garden Plaza Project is exempt from environmental review pursuant to Sections 15303 and 15304 of Chapter 3 of Division 6 of Title 14 of the California Code of Regulations (State California Environmental Quality Act (CEQA) Guidelines) pursuant to the following finding:

Finding: The Elk Grove Rain Garden Project is exempt from CEQA pursuant to State CEQA Guidelines Sections 15303 and 15304.

Evidence: The proposed project is exempt from CEQA pursuant to State CEQA Guidelines (Chapter 3 of Division 6 of Title 14 of the California Code of Regulations) Sections 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land). The Section 15303 exemption applies to the construction of a limited number of new facilities or structures, specifically including "accessory structures" such as patios and fences. The Project includes the grading and installation of a patio (plaza) area, metal and wood fences, and the construction of a shade structure that measures less than 500 square feet in size. Therefore, this project qualifies for this exemption.


The Section 15304 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 except for forestry and agricultural purposes. Specific types of projects identified under this exemption include grading on land with less than ten percent slope and new grading or landscaping with water efficient landscaping. The proposed Project includes minor grading activities on a previously-graded site with less than ten percent slope. The Project specifically involves the planting of new landscaping with water efficient landscaping. Therefore, this project qualifies for this exemption.

Therefore, this project qualifies for both of these exemptions 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 JM Slover, Inc. for the Elk Grove Rain Garden Plaza Project in the amount of \$368,194.05 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney and authorizes the City Engineer to approve change orders not-to-exceed \$73,805.95; and
- 2) Finds that should JM Slover, Inc. fail to meet their obligations in executing the construction contract, the City Manager is thereby authorized to execute a construction contract with Environmental Landscape Solutions (second lowest responsible bidder) in the amount of \$379,628.00 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney and authorizes the City Engineer to approve change orders not-to-exceed \$62,372.00.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 24th day of August 2011.


STEVEN M. DETRICK, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN HOBBS,
INTERIM CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2011-164

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

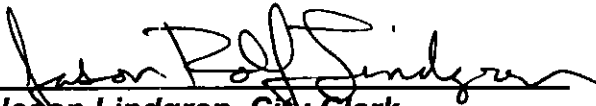
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 24, 2011 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California