

RESOLUTION NO. 2011-242

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THE ELK GROVE CREEK PIPE OUTFALLS AND DRY WELL INSTALLATIONS DRAINAGE IMPROVEMENTS PROJECT EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH CAGGIANO GENERAL ENGINEERING FOR THE ELK GROVE CREEK PIPE OUTFALLS AND DRY WELL INSTALLATIONS DRAINAGE IMPROVEMENTS PROJECT IN THE AMOUNT OF \$42,500; AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$10,700; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH NORTH WEST SURFACING, THE SECOND LOWEST BIDDER, IF CAGGIANO GENERAL ENGINEERING DOES NOT MEET CONTRACT EXECUTION OBLIGATIONS

WHEREAS, the Elk Grove Creek Outfalls (Capital Improvement Project No. WDR004) and the Dry Well Installations (Capital Improvement Project No. WDR012) Drainage Improvements Projects are budgeted within the approved Fiscal Year 2011-12 Budget; and

WHEREAS, an invitation to bid was duly advertised on November 16, 2011, and bids were opened on December 1, 2011; and

WHEREAS, Caggiano General Engineering 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, hereafter CEQA), Public Resources Code section 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, section § 15000 et seq., requires that cities consider the environmental consequences of their actions before approving a project; and

WHEREAS, the Elk Grove Creek Outfalls and the Dry Well Installations Drainage Improvements Projects are projects under CEQA.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove hereby finds that the proposed Elk Grove Creek Outfalls (Capital Improvement Project No. WDR004) and the Dry Well Installations (Capital Improvement Project No. WDR012) Drainage Improvements Projects (collectively, the "Project") are exempt from the California Environmental Quality Act (CEQA) pursuant to the following finding:

Finding: The proposed Project qualifies for a Categorical Exemption pursuant to Section 15301(c) of the State CEQA Guidelines.

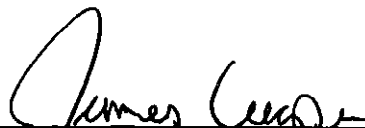
Evidence: The proposed Project qualifies for a Categorical Exemption pursuant to Section 15301(c) of the State CEQA Guidelines. The Section 15301(c) exemption applies to the repair, maintenance, or minor alteration of existing public and private facilities, structures, and equipment involving negligible or no expansion of use beyond

that existing at the time of the determination. Specific examples cited in the exemption includes, but are not limited to, existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities. As noted in exemption class, the key consideration is whether the project involves "negligible or no expansion of an existing use." The proposed Elk Grove Creek Outfalls project involves the modification of stormwater conveyance facilities to control backflows from Elk Grove Creek into the stormwater conveyance facilities under high flow conditions. This action would not involve or result in an expansion of use of existing drainage facilities. The proposed Dry Wells project would construct additional stormwater conveyance facilities to move stormwater flows from the project site into the City's stormwater system. There is sufficient capacity within the City's stormwater system to accommodate these flows and no expansion in operations is necessary to accommodate the project. Because the proposed projects consist of minor modifications to existing facilities that would not result in an expansion of use, the projects qualify 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 Caggiano General Engineering for the Elk Grove Creek Pipe Outfalls and Dry Well Installations Drainage Improvements project in the amount of \$42,500 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 \$10,700; and
- 2) Finds that should Caggiano General Engineering fail to meet their obligations in executing the construction contract, the City Manager is thereby authorized to execute a construction contract with North West Surfacing, (second lowest responsible bidder) in the amount of \$47,194.92 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 \$11,800.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of December 2011.




JAMES COOPER, 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. 2011-242**

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 December 14, 2011 by the following vote:

- AYES :** **COUNCILMEMBERS:** *Cooper, Hume, Davis, Detrick, Scherman*
- NOES:** **COUNCILMEMBERS:** *None*
- ABSTAIN :** **COUNCILMEMBERS:** *None*
- ABSENT:** **COUNCILMEMBERS:** *None*



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