

RESOLUTION NO. 2014-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THE LAGUNA CREEK WEIR REPAIR PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THUNDER MOUNTAIN ENTERPRISES FOR THE LAGUNA CREEK WEIR REPAIR, EAST OF LEWIS STEIN PROJECT (WDR005) IN THE AMOUNT OF \$85,139.25 AND AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT-TO-EXCEED \$12,771.00; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THE SECOND LOWEST BIDDER IF THUNDER MOUNTAIN DOES NOT MEET FILING OBLIGATIONS

WHEREAS, the Laguna Creek Weir Repair Project, east of Lewis Stein, (WDR005) (Project) will repair the erosion damage caused by runoff flowing between Elk Grove Creek and the bypass channel of Laguna Creek; and

WHEREAS, the Project is included in the approved Fiscal Year 2013-18 Capital Improvement Program and is budgeted with funds in the approved Fiscal Year 2013-14 Budget; 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 Project is a project under CEQA; and

WHEREAS, Section 15301(b) (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 February 24, 2014, and bids were opened on April 3, 2014; and

WHEREAS, Thunder Mountain Enterprises. 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 this project exempt from CEQA pursuant to State CEQA Guidelines Section 15301(b).


Finding: The proposed project is exempt from CEQA pursuant to section 15301(b) of the State CEQA Guidelines.

Evidence: The proposed projects are exempt from CEQA under State CEQA Guidelines Section 15301(b). This exemption applies to projects involving the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Subsection (b) specifically describes "existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services." The proposed project involves maintenance of an existing weir within waterways used by the City for stormwater conveyance. The project is covered under the City's Regional General Permit and is considered a routine maintenance project. The project will not expand the existing uses of the weir. No trees will be removed. No special circumstances exist that would create a reasonable possibility that the proposed project will have a significant adverse effect on the environment. Therefore the project is exempt.

AND BE IT ALSO RESOLVED that the City Council of the City of Elk Grove hereby:

- 1) Authorizes the City Manager to execute a construction contract with Thunder Mountain Enterprises for the Laguna Creek Weir Repair Project, east of Lewis Stein, (WDR005) in the amount of \$85,139.25, 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 \$12,771;
- 3) Authorizes the City Manager to execute a construction contract with the second lowest bidder if Thunder Mountain Enterprises does not meet filing obligations.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of May 2014.




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. 2014-108**

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 May 14, 2014 by the following vote:

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

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *Cooper*


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