

RESOLUTION NO. 2019-031

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
DISPENSING WITH COMPETITIVE BIDDING PURSUANT TO ELK GROVE
MUNICIPAL CODE CHAPTER 3.42, AND AUTHORIZING THE CITY MANAGER TO
EXECUTE A CONTRACT WITH WESTERVELT ECOLOGICAL SERVICES, LLC FOR
WETLAND MITIGATION FOR THE SEPA SHED C CHANNEL ROW AND
PERMITTING PROJECT (WDR037) (PROJECT) IN THE AMOUNT OF \$462,000
(NO FURTHER CEQA REVIEW REQUIRED)**

WHEREAS, City Council adopted the Southeast Policy Area Specific Plan in July 2014 to provide employment-oriented development within the City's Southeast Policy Area (SEPA), and the specific plan had several Infrastructure plans including a drainage plan which identified design requirements, facility needs, and alignment of the backbone drainage system, including alignment of Shed C and location of detention facilities. The backbone drainage system was later added to the City's Capital Improvement Program (CIP); and

WHEREAS, SEPA Shed C Channel ROW and Permitting Project (WDR037) (Project) involves improving a segment of the existing Shed C Channel, situated between Lotz Parkway and Bruceville Road, and north of Kammerer Road. Improvements consist of constructing an overbank area and a low flow channel (together referred to as the floodway). The low flow channel will be constructed to meander consistent with the City of Elk Grove's approved SEPA Drainage Study. Seven detention basins will be created adjacent to the improved channel to provide flood storage and moderate potential flood flow increases and hydromodification effects due to the proposed urban development associated with the future development in SEPA. In addition, the detention basins will help provide stormwater quality treatment; and

WHEREAS, construction of the Project involves modification of two wetlands located within the Project's construction footprint. As the wetlands are considered waters of the United States, they are regulated under the Clean Water Act and are under the jurisdiction of the United States Army Corps of Engineers (USACE). City staff have coordinated with the USACE to determine the exact acreage of wetland impacts and appropriate mitigation. The USACE issued permit SPK-2015-00183 authorizing impacts to a total of 3.30 acres of wetland and mandating purchase of 3.30 acre-credits from the Cosumnes Floodplain Mitigation Bank to mitigate impacts to the wetland habitat; and

WHEREAS, the Cosumnes Floodplain Mitigation Bank is owned and operated by Westervelt Ecological Services, LLC, which services the project area and which is authorized to sell wetland credits. Westervelt is offering the mitigation at a rate of \$140,000 per acre-credit, for a total of \$462,000; and

WHEREAS, the USACE specified in their permit SPK-2015-00183 that mitigation to 3.30 acres of wetlands shall be administered through the Cosumnes Mitigation Bank; and

WHEREAS, for the reasons presented, it is not in the City's best interest to pursue competitive bidding for the purchase of the mitigation credits; 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, the Project's environmental impacts were adequately analyzed and in the SEPA Strategic Plan Environmental Impact Report (EIR) (State Clearinghouse No 2013042054). Both the SEPA Strategic Plan EIR and a Mitigation, Monitoring, and Reporting Program (MMRP) were certified by the City in July 2014. The MMRP was later revised in July 2018 to include a revision to Swainson's Hawk mitigation, which was approved by the City. MMRP MM 5.4.9a and MM 5.49c states that should wetlands be impacted by the Project, USACE permitting shall occur to determine mitigation. Through purchase of mitigation credits at the Cosumnes Mitigation Bank, as specified is the USACE permit SPK-2015-00183, the City is complying with SEPA MMRP MM 5.4.9a and MM5 5.4.9c; and

WHEREAS, the Project is subject to environmental review and analysis under the National Environmental Policy Act (42 U.S.C. 4321 et seq., herein after NEPA) as the Project impacts waters of the United States. As waters of the United States are the jurisdiction of the USACE, the USACE is the NEPA lead agency. The USACE completed its review of the Project in an Environmental Assessment and determined that the Project would have no significant impact to environmental resources; and

WHEREAS, there are no substantial changes in the Project from that analyzed in the EIR and no new significant environmental effects, or substantial increase in the severity of previously identified significant effects, and no further review under CEQA is required; and

WHEREAS, the Project is included in the current Fiscal Year project budget.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby dispenses with competitive bidding for the purchase of the mitigation credits and authorizes the City Manager to execute an agreement with Westervelt Ecological Services, LLC, in substantially the form presented, for Wetland Mitigation for the Project in the amount of \$462,000.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 27th day of February 2019



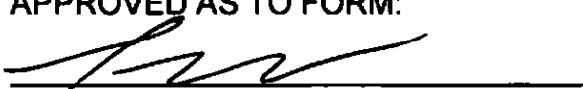
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2019-031

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

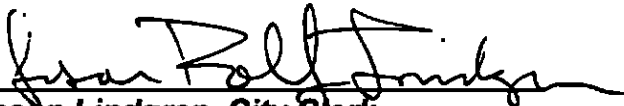
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 27, 2019 by the following vote:

AYES: COUNCILMEMBERS: Ly, Hume, Detrick, Suen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Nguyen



Jason Lindgren, City Clerk
City of Elk Grove, California

