

**RESOLUTION NO. 2023-241**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING THE PEDESTRIAN CROSSING UPGRADES AT 4 LOCATIONS PROJECT (WAM010) AND THE GUARDRAIL REPLACEMENT AT 4 LOCATIONS PROJECT (WTR059); AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH B & M BUILDERS, INC. FOR THE PROJECTS IN THE AMOUNT OF \$858,513; AUTHORIZING THE CITY ENGINEER TO APPROVE CHANGE ORDERS NOT TO EXCEED \$116,252; AMENDING THE FISCAL YEAR 2023-24 BUDGET AND 2023-2028 CAPITAL IMPROVEMENT PROGRAM; AND AUTHORIZING THE CITY ENGINEER TO REJECT ALL BIDS RECEIVED AND RE-BID THE PROJECTS IF THE FIRST LOWEST RESPONSIVE BIDDER DOES NOT MEET FILING OBLIGATIONS (CEQA EXEMPT)**

**WHEREAS**, the Pedestrian Crossing Upgrades at 4 Locations Project (WAM010) includes installation of curb ramps, crosswalks, advance yield signs, Rapid Rectangular Flashing Beacons (RRFB), and associated advanced warning signs. The WAM010 Project is located at four existing trail crossings: three on Ryland Trail at Laguna Park Drive, Adobe Springs Way, and Bertwin Way; and one at Laguna Creek Trail and Stonebrook Drive. The Guardrail Replacement at 4 Locations Project (WTR059) includes guardrail replacement at Bruceville Road at Laguna Creek Bridge, Sheldon Road at Laguna Creek Bridge, Waterman Road at Laguna Creek Bridge, and Grant Line Road at Deer Creek Tributary Bridge; and

**WHEREAS**, an invitation to bid was duly advertised on August 4, 2023 and August 11, 2023, and electronic bids were received on September 6, 2023; and

**WHEREAS**, the low bid exceeded the Engineer's Estimate by approximately 20% due to higher steel market costs for guardrail, the longer than anticipated time required to complete environmental work, which extended the advertisement into the late summer, and a recent upward trend in construction bids; and

**WHEREAS**, B & M Builders, Inc. was determined to be the responsible bidder submitting the lowest responsive bid; 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**, due to the Projects receiving federal funding, the Projects are subject to review under the National Environmental Policy Act (NEPA) with the California Department of Transportation (Caltrans) as the NEPA lead agency; and

**WHEREAS**, the Projects are included in the approved 2023-2028 Capital Improvement Program and budgeted with funds in the approved FY 2023-24 Budget.

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

- 1) Finds the Pedestrian Crossing Upgrades at 4 Locations (WAM010) (Federal Project Number: HSIP-5479(063)) and the Guardrail Replacement at 4 Locations (WTR059) (Federal Project Number: HSIP-5479(062)) 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. This Project involves removing and replacing existing guardrails and upgrading existing trail crossings within existing City-owned infrastructure and does not involve any expansion of use, it qualifies for the identified exemption and no additional environmental review under CEQA is required; and


Caltrans completed their NEPA review of the Project and determined the Pedestrian Crossing Upgrades at 4 Locations (WAM010) Project (Federal Project Number: HSIP-5479(063)) to be exempt under 23 CFR 771.117(c): activity (c)(8) on March 7, 2023; and the Guardrail Replacement at 4 Locations (WTR059) Project (Federal Project Number: HSIP-5479(062)) to be exempt under 23 CFR 771.117(c): activity (c)(27) on January 30, 2023. No further review under NEPA is required; and

- 2) Approves the Projects; and
- 3) Authorizes the City Manager to execute a construction contract with B & M Builders, Inc. for the WAM010 and WTR059 Projects in the amount of \$858,513 upon receipt of all required bonds and insurance and the approval of such bonds and insurance by the City Attorney; and
- 4) Authorizes the City Engineer to approve change orders not to exceed \$116,252; and
- 5) Amends the Fiscal Year 2023-2024 Budget and the 2023-2028 Capital Improvement Program as follows:
  - a. Removing \$61,600 in Capital Federal Grants (Fund 301) from the WAM010 Project
  - b. Adding \$56,776 in Measure A – Safety, Streetscape, Bike, Pedestrian funds (Fund 393) to the WAM010 Project
  - c. Adding \$149,997 in Measure A – Traffic Control & Safety funds (Fund 394) to the WTR059 Project
- 6) Authorizes the City Engineer to reject all bids received and re-bid the Projects if B & M Builders, Inc. does not meet filing obligations.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 11<sup>th</sup> day of October 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. 2023-241**

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 October 11, 2023 by the following vote:*

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

**NOES:           COUNCILMEMBERS:       None**

**ABSTAIN:       COUNCILMEMBERS:       None**

**ABSENT:        COUNCILMEMBERS:       Robles**

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