

**Resolution No. 2025-XXX N.C.S.
of the City of Petaluma, California**

**RESOLUTION ACCEPTING COMPLETION OF THE PARKS ACCESS IMPROVEMENTS
PROJECT (C14502318) AT MCDOWELL PARK, LA TERCERA PARK, AND MCNEAR PARK BY
SCHAEFER ENGINEERING, INC AND RELEASE OF RETENTION**

WHEREAS, in accordance with Section 68 of Article X of the City of Petaluma Charter, Section 20162 of the California Public Contract Code, and other applicable laws, the City of Petaluma solicited bids for the Parks Access Improvements Project (C14502318) (“Project”); and

WHEREAS, bids for the Project were opened on Thursday, November 16, 2023, in accordance with California Public Contract Code Section 4104.5 and other applicable laws; and

WHEREAS, the apparent low bidder for the Project was the bid of Schaefer Engineering, Inc. in the amount of \$225,900.00; and

WHEREAS, by Resolution No. 2024-003 N.C.S., adopted January 8, 2024, the City Council of the City of Petaluma awarded the Project to Schaefer Engineering, Inc., in the amount of \$225,900.00, conditioned on Schaefer Engineering, Inc.’s timely executing the Project contract and submitting all required documents and authorized and directed the City Manager to sign the Project contract on behalf of the City upon such timely submission and to execute on behalf of the City any change orders and other amendments to the Project contract that are necessary to effectively complete the Project and/or to realize the Project and/or cost benefits for the City so long as such change orders or amendments do not result in an increase in excess of sixty percent of the total Project amount; and

WHEREAS, five (5) change orders affecting the Project contract amount in the value of \$133,982.00 were issued; and

WHEREAS, the final contract amount as amended, including all change orders as well as cost savings from scope reductions, is \$359,882.00; and

WHEREAS, two (2) of the five (5) change orders, totaling \$74,300.00, were paid for by the Pedestrian Improvements Citywide (C16102032) project, since the scope of work pertained to and was requested by the public works division, but improved the overall access of these parks for pedestrians; and

WHEREAS, City staff have inspected the Project and determined that it has been completed in accordance with the contract requirements subject to the Contractor’s continuing warranty and other obligations pursuant to the contract; and

WHEREAS, in accordance with Government Code Section 830.6, the City Engineer found the Project design and plans reasonable, including the five change orders; and

WHEREAS, in accordance with Government Code Section 830.6, the Project, including the five change orders, was constructed in conformity with the plans approved by the City Engineer; and

WHEREAS, based on the foregoing, staff recommends acceptance of the Project on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Petaluma as follows:

1. Finds that the above recitals are true and correct and are incorporated herein as findings of this Resolution.
2. Finds The statute of limitations for a CEQA challenge has lapsed. Accepting the project falls within City Council's previous CEQA determination when it awarded the project. When Council awarded the project Council found that the project was categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301, Existing Facilities, 15302, Replacement or Reconstruction, and 15304, Minor Alterations, because the project is limited to the replacement of existing infrastructure within three existing city parks. All improvements occurred within or immediately adjacent to the current pathways in areas previously disturbed and improved with park amenities. The project repaired existing surfaces and provided internal pedestrian connectivity within existing public parks. There was negligible or no expansion of use beyond what currently exists, and no cumulative impacts, unusual circumstances, or other factors that would make the exemption inapplicable. Therefore, the project was exempt under Section 15301 (c), repair and maintenance, Section 15302 (c), replacement or reconstruction of an existing public facility, and Section 15304, as the activity was limited to minor alterations to accommodate safe access at existing City parks.
3. The contract entitled Parks Access Improvements, Project No. C14502318 with a final contract amount of \$359,882.00 is accepted as complete subject to the Contractor's continuing warranty and other obligations pursuant to the contract.
4. The City Clerk/Recording Secretary is hereby authorized and directed to file a Notice of Completion concerning the Project with the Sonoma County Clerk's Office within ten (10) days of the date of this Resolution.
5. Staff is hereby authorized and directed to release all undisputed retention not subject to pending change orders within (60) days of the date of this Resolution and in accordance with the terms of the Project contract, the Petaluma City Charter, California Public Contract Code Section 7107, and applicable laws.

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 17th day of March 2025 by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor