

**Resolution No. 2024-XXX N.C.S.
of the City of Petaluma, California**

**RESOLUTION OF THE CITY COUNCIL OF PETALUMA ACCEPTING COMPLETION OF THE
PETALUMA COMMUNITY BASEBALL FIELD PROJECT, PUBLIC CONTRACT NO. C14501607**

WHEREAS, City staff prepared construction bid documents and advertised for construction of the Petaluma Community Baseball Field Project (“Project”); and

WHEREAS, in accordance with the City of Petaluma Charter and Municipal Code, California Public Contract Code Section 20162, and other applicable law, City staff solicited bids for the Project; and

WHEREAS, bids were received and opened on March 17, 2022, in accordance with applicable law; and

WHEREAS, on April 18, 2022, the City Council awarded the contract to construct the Project to the lowest responsible bidder, O.C. Jones & Sons, Inc., for a base bid of \$4,838,311.00 (“Contract”); and

WHEREAS, the final contract amount, as amended, including all change orders, overruns, and underruns, is \$5,530,000.00 and is within the approved Project budget; and

WHEREAS, the wetland mitigation scope and various landscaping improvement bid items were removed from O.C. Jones & Sons' contract, and a credit has been provided to the City; and

WHEREAS, the wetland mitigation work and associated site drainage revisions will be contracted/subcontracted separately from this current contract with O.C. Jones & Sons; and

WHEREAS, in accordance with Government Code Section 830.6, the City Engineer found the designs and plans reasonable; and

WHEREAS, in accordance with Government Code Section 830.6, the Project was constructed in conforming with the plans approved by the City Engineer; and

WHEREAS, compliance with the California Environmental Quality Act (CEQA) for this project was completed on October 18, 2010, when the City Council adopted the Initial Study and Mitigated Negative Declaration for East Washington Park (MND). The MND included and analyzed the impacts of this project and determined that this project will not have a significant adverse effect on the environment; and

WHEREAS, accepting the completion of the Project does not constitute a Project pursuant to CEQA Guidelines Section 15378 because the action does not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, the contractor completed the project satisfactorily, and not accepting completion would likely lead to a contractual dispute with the contractor.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Petaluma hereby:

1. Declares that the above recitals are to be true and correct and are incorporated into this resolution as findings of the City Council.
2. Accepts as complete the contract titled The Community Baseball Field Project, Public Contract No. C14501607, with the final contract amount of \$5,530,000.00, subject to the Contractor's continuing warranty and other obligations pursuant to the contract.
3. Authorizes and directs the City Clerk 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.
4. Authorizes and directs Staff to release all undisputed retention not subject to pending change orders within sixty (60) days of the date of this Resolution and in accordance with the terms of the Project contract, California Public Contract Code Section 7107, and applicable law.

Under the power and authority conferred upon this Council by the City's Charter.

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 18th day of March 2024 by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor