

Resolution No. 2022-XXX N.C.S.
of the City of Petaluma, California

**APPROVING THE PURCHASE OF FILTER CARTRIDGES FOR THE
FLUSHING TRUCK FROM NO-DES, INC., IN THE AMOUNT OF \$114,044.60 AND AUTHORIZING
THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE
PURCHASE, AND FINDING THIS ACTION IS NOT A “PROJECT” PURSUANT TO
CEQA GUIDELINES SECTION 15378(B)(5)**

WHEREAS, on July 12, 2021, City Council approved the purchase of a NO-DES Flush Truck; and

WHEREAS, the City of Petaluma Public Works and Utilities Department seeks to purchase NSF 61 filter cartridges to operate the City’s flushing truck; and

WHEREAS, the filters are specialized specifically for the NO-DES, Inc. flushing truck for the safe removal of sediment in the potable water system; and

WHEREAS, lesser filter cartridges were tried resulting in a higher filter use rate resulting in higher costs; and

WHEREAS, as part of the July 12, 2021, resolution approving the purchase of the NO-DES flushing truck, City Council found that the purchase of the truck can only be obtained from one source and that the City complied with the purchasing requirements of the Petaluma Charter and Petaluma Municipal Code; and

WHEREAS, no other vendor/manufacture of filters is compatible with the City’s NO-DES flushing truck; and

WHEREAS, the \$114,044.60 purchase in bulk will cover a one-year supply at a lower cost than multiple purchases; and

WHEREAS, it has been determined that a “sole source” procurement is necessary because there is only one supplier within the region that can supply the NSF 61 filter cartridge to be used on a daily basis for the NO-DES flushing truck; and

WHEREAS, the purchase of the specified filters has been considered in accordance with California Petaluma Municipal Code Section 4.04.050; and

WHEREAS, the “sole source” finding is justified because the supplier, NO-DES, Inc., is the only one able to meet the City’s needs for supplying the units, and providing a single source of responsibility for the package; and

WHEREAS, the purchase price for the filters is \$114,044.60; and

WHEREAS, the Public Works and Utilities Department has funds budgeted in fiscal year 22/23 to purchase the filters; and

WHEREAS, as part of the July 12, 2021, resolution approving the purchase of the NO-DES flushing truck, City Council found that the purchase of the flushing truck was exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, in that the Purchase of a NO-DES Flush Truck does not meet CEQA's definition of a "project," because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes administrative activities of governments that will not result in direct or indirect physical changes in the environment; and Relatedly, if the proposed action did constitute a project under CEQA the action is exempt under the commonsense exemption, CEQA Guidelines Section 15061(b)(3) and any work performed with the equipment would be exempt pursuant to CEQA Guidelines Section 1530, Existing Facilities, as the truck would be used for the operation, repair, or maintenance of existing sewers; and

WHEREAS, the purchase of the fillers is exempt pursuant to CEQA for the same exact reasons and because as the fillers are an integral component of the flushing truck, compliance with CEQA was complete during the July 12, 2021, approval for the flushing truck.

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

1. Declares the above recitals to be true and correct and are incorporated into this resolution as findings of the City Council.
2. Finds that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, in that the Purchase of fillers for the NO-DES Flush Truck does not meet CEQA's definition of a "project," because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes administrative activities of governments that will not result in direct or indirect physical changes in the environment. Relatedly, if the proposed action did constitute a project under CEQA the action is exempt under the commonsense exemption, CEQA Guidelines Section 15061(b)(3) and any work performed with the equipment would be exempt pursuant to CEQA Guidelines Section 1530, Existing Facilities, as the truck would be used for the operation, repair, or maintenance of existing sewers.
3. Finds that the Purchase of the fillers for the NO-DES Flush Truck can only be obtained from one source and that the City complied with the purchasing requirements of the Petaluma Charter and Municipal Code.
4. Authorizes the City Manager to execute all necessary documents to complete the purchase.

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 19th day of December 2022, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor