

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

ACCEPTING COMPLETION OF THE PETALUMA TURNING BASIN DREDGING PROJECT AND PHASE ONE OF THE MARINA DREDGING PROJECT BY LIND MARINE, INC., AND AUTHORIZING RELEASE OF THE 10% RETENTION AND FINDING THIS ACTION IS NOT A “PROJECT” PURSUANT TO CEQA GUIDELINES SECTION 15304(G) AND 15301

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, the project was bid on August 4, 2022, and two (2) bids were received and opened on August 25, 2022, in accordance with applicable law; and

WHEREAS, by Resolution No 2020-154 N.C.S. adopted on September 19, 2022, the City Council awarded the contract to the lowest responsible bidder, Lind Marine, Inc. from Petaluma, CA for a base bid of \$563,054.58 conditioned on Lind Marine’s timely executing the Project contract and submitting all required documents and authorized and directed the City Manager to sign the Project Agreement on behalf of the City; and

WHEREAS, the City Council authorized Resolution No. 2022-165 N.C.S. to approve Change Order #1 to the contract with Lind Marine, Inc. in the amount of up to \$1,100,000 to incorporate phase one of the Marina Dredging Project; and

WHEREAS, the final contract amount, as amended, including all change orders, overruns, and underruns, is \$1,427,104.12; and

WHEREAS, environmental analysis for compliance with the California Environmental Quality Act (CEQA) was completed on September 19, 2022, when City Council awarded the contracts for the Petaluma Turning Basin Dredging Project. City Council found the Project exempt under CEQA Guidelines Section 15304(g) (Minor Alterations to Land) which exempts “maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies,” as the dredging of the turning basin and Marina was determined to be in compliance with all state and federal regulatory agencies; and under CEQA Guidelines Section 15301 (Existing Facilities) which exempts periodic maintenance dredging which involves negligible or no expansion of the existing use; 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 for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

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. Finds that the Environmental analysis for compliance with the California Environmental Quality Act (CEQA) was completed on September 19, 2022, when City Council awarded the contract for the Turning Basin Dredging Project. City Council found the Project was exempt under CEQA Guidelines Section 15304(g) (Minor Alterations to Land) which exempts “maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies” as the dredging of the turning basin complied with all state and federal regulatory agencies. As well as CEQA Guidelines Section 15301 (Existing

Facilities) which exempts periodic maintenance dredging which involves negligible or no expansion of the existing use. Moreover, there are no cumulative impacts, unusual circumstances, or other factors that would make the exemption inapplicable.

Further, 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 for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

3. Accepts as complete the contract titled Petaluma Turning Basin Dredging Project, Project No. C14402010, with the final contract amount of \$1,427,104.12, subject to the Contractor's continuing warranty and other obligations pursuant to the contract.
4. 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.
5. 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 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