

Resolution No. 2023-XXX N.C.S.
of the City of Petaluma, California

**ACCEPTING COMPLETION OF THE PETALUMA BOULEVARD SOUTH ROAD DIET PROJECT
C169101601 BY AZUL WORKS, INC., AUTHORIZING RELEASE OF THE 10% RETENTION,
AND FINDING THIS ACTION IS NOT A “PROJECT” PURSUANT TO
CEQA GUIDELINES SECTION 15301(C)**

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

WHEREAS, the project was bid on October 1, 2021, and five (6) bids were received and opened on October 27, 2021, in accordance with applicable law; and

WHEREAS, by Resolution No 2021-192 N.C.S. adopted on December 6, 2021, the City Council awarded the contract to the lowest responsible bidder, Azul Works, Inc. from San Francisco, CA for a base bid of \$2,956,981.70 conditioned on Azul Works, Inc. 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 final contract amount, as amended, including all change orders, overruns, and underruns, is \$3,689,986.07; and

WHEREAS, it has been determined by Caltrans that the Petaluma Boulevard South Road Diet Project has no significant impacts on the environment as defined by NEPA; as such, Caltrans has determined the project is categorically excluded from the requirements to prepare an EA or EIS under NEPA; and

WHEREAS, the Petaluma Boulevard South Road Diet Project is categorically exempt pursuant to the California Environmental Quality Act (“CEQA”) and Title 14, the California Code of Regulations (“CEQA Guidelines”), Section 15301 because the project consists of repair and maintenance to an existing public street, sidewalks, and curbs; and

WHEREAS, this project is categorically exempt from California Environmental Quality Act (“CEQA”) requirements pursuant to Article 19, Section 15301(c), of Title 14 of the California Code of Regulations (“CEQA Guidelines”), because the project consists of the repair, maintenance, and minor alteration of existing public facilities involving negligible or no expansion of existing or former use.

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. Declares that the Petaluma Boulevard South Road Diet Project C16101601 is categorically exempt pursuant to California Environmental Quality Act (“CEQA”) and Title 14, the California Code of Regulations (“CEQA Guidelines”), Section 15301 because the project consists of repair and maintenance to existing traffic signal system and involves negligible or no expansion of the existing use. Moreover, no cumulative impacts, unusual circumstances, or other factors 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 Boulevard South Road Diet Project C16101601, with the final contract amount of \$3,689,986.078 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 20th day of March 2023, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor