

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

## **APPROVING A NEW ALLOCATION OF \$47,821.33 FOR THE PROCUREMENT OF TOYOTA BZ4X ELECTRIC VEHICLE AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE PURCHASE**

**WHEREAS**, the City of Petaluma approved of Resolution 2019-055 N.C.S. on May 6, 2019 declaring a Climate Emergency; and

**WHEREAS**, the City Council approved a Resolution 2021-007 N.C.S. on January 11, 2021 adopting of a Climate Emergency Framework; and

**WHEREAS**, the 2021 Climate Emergency Framework contained goals of reducing vehicle greenhouse gas emissions and achieving carbon neutrality citywide by 2030; and

**WHEREAS**, transportation greenhouse gas emissions account for the majority of greenhouse gas emission citywide in Petaluma; and

**WHEREAS**, the City of Petaluma subscribes to Sonoma Clean Power's EverGreen 100% renewable electricity program that produces nearly zero greenhouse emissions at the source of generation; and

**WHEREAS**, use of Toyota bZ4X electric vehicle results in zero tailpipe greenhouse emissions; and

**WHEREAS**, the existing vehicles in the City of Petaluma fleet the new Toyota bZ4X will replace are powered by internal combustion engines, resulting in a significant reduction of greenhouse gas emissions; and

**WHEREAS**, while a significant source of new vehicle price variability is dealer mark-up due to high demand and low supply, Hansel Auto Group, located in the City of Petaluma, has agreed to not include additional dealer mark-up and to include a \$1,000.00 reduction in fees for the City of Petaluma's purchase of Toyota bZ4X vehicles at this time; and

**WHEREAS**, "It has been held that where competitive proposals work an incongruity and are unavailing as affecting the final result, or where competitive proposals do not produce any advantage, or where it is practically impossible to obtain what is required and to observe such form, competitive bidding is not applicable" (*Graydon v. The Pasadena Redevelopment Agency* (1980) 104 Cal.App. 3d 631,636); and

**WHEREAS**, Section 4.04.050 of the Petaluma Municipal Code allows dispensing with formal bidding when a commodity can be obtained from only one vendor; and

**WHEREAS**, ordering of the Toyota bZ4X is largely factory-direct, with local dealerships assisting with ordering and delivery of the vehicles; and

**WHEREAS**, Hansel Auto Group, Toyota dealership located within the City of Petaluma, has indicated to staff that no additional dealer mark-up and to include a \$1,000.00 reduction to the MSRP purchase price of Toyota bZ4X vehicles sold to the City of Petaluma; and

**WHEREAS**, as Hansel Auto Group will facilitate the acquisition through the manufacturer's waitlist and with no dealer mark-up's there is no advantage to bid out this item and the City has satisfied it's purchasing

requirements; and

**WHEREAS**, adoption of this Resolution is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, in that purchasing electric vehicles 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 organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment; and

**WHEREAS**, relatedly, if the proposed action did constitute a project under CEQA the action is exempt under the common-sense exemption, CEQA Guidelines Section 15061(b)(3) as the vehicles are expected to be charged at a City facility with electricity from Sonoma Clean Power's EverGreen program, which is associated with negligible greenhouse gas emissions and CEQA Guidelines Section 15301 as the operation of a public mechanical equipment involving negligible or no expansion of use.

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

1. Finds the above recitals to be true and correct and are incorporated herein as findings of this Resolution.
2. Authorizes the City Manager to execute all documents necessary to complete the purchase of the Toyota bZ4X electric vehicle.
3. Finds that the purchase of the Toyota bZ4X electric vehicle can only be obtained from one source and that the City complied with the purchasing requirements of the Petaluma Charter and Municipal Code.

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 20<sup>th</sup> day of March 2023, by the following vote:

Approved as to  
form:

\_\_\_\_\_  
City Attorney

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor