

**RESOLUTION ACCEPTING COMPLETION OF CONTRACT FOR OPERATIONS  
CONCRETE PROJECT INCLUDING SIDEWALK REPAIR AND MINOR  
CONSTRUCTION OF NEW SIDEWALKS, ADJUSTING BUDGET, AUTHORIZING  
RELEASE OF THE 10% RETENTION, AND FINDING THIS ACTION IS NOT A  
“PROJECT” PURSUANT TO CEQA GUIDELINES SECTION 15378(b)(5)**

**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 February 25, 2021, and eight bids were received and opened in accordance with applicable law; and

**WHEREAS**, the lowest bid for the Project bid was received from Coastside Concrete & Construction, Inc. in the amount of \$69,060; and

**WHEREAS**, by Resolution No 2021-039 N.C.S. adopted on April 5, 2021, the City Council awarded the contract to the lowest responsible bidder, Coastside Concrete & Construction, Inc. in the amount of \$82,000, which included \$12,940 for contingency, conditioned on the contractor’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**, three change orders in the amount of \$69,838 for additional paving, installation of a new concrete bike rack pad and inverted U bike rack installation at the Lucchesi Senior Center, and additional sidewalk, curb, and gutter repairs to eliminate tripping hazards were approved during the project; and

**WHEREAS**, the final contract amount, as amended, including all change orders, overruns, and underruns, is \$138,898; and

**WHEREAS**, the total approved construction contract budget for the project is \$138,898 and the total final estimated budget is \$138,898; and

**WHEREAS**, a budget adjustment may be necessary to cover estimated additional costs that the project incurred under construction change orders; and

**WHEREAS**, the Project has a Categorical Exemption pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Article 19, Section 15301, 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, including sidewalks and gutters, in that the sidewalk and related improvements will repair and maintain existing pedestrian travel ways and related facilities without changing the use of those facilities, and therefore negligible or no expansion of use beyond what currently exists will result from the Project, and there are no cumulative impacts, unusual circumstances or other factors that would make the exemption inapplicable.

**WHEREAS**, accepting the completion of the Contract 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** by the City Council of the City of Petaluma as follows:

1. The above recitals are hereby declared to be true and correct and are incorporated into this resolution as findings of the City Council.
2. This project is categorically exempt pursuant to the California Environmental Quality Act (“CEQA”) 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, including sidewalks and gutters. The sidewalk, curb ramp, and related improvements will repair and maintain existing pedestrian travel ways and related facilities without changing the use of those facilities. Accordingly, there is negligible or no expansion of use beyond what currently exists and there are no cumulative impacts, unusual circumstances, or other factors that would make the exemption inapplicable.
3. 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.
4. Accepts as complete the contract titled Operations Concrete Project, Project No. C16102032, with the final contract amount of \$138,898, subject to the Contractors continuing warranty and other obligations pursuant to the contract.
5. Authorizes a budget adjustment in conjunction with the next budget action.
6. 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.
7. 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 1<sup>st</sup> day of May 2023, by the following vote:

Approved as to  
form:

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

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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

\_\_\_\_\_  
Mayor