

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

## **ACCEPTING COMPLETION OF THE ELLIS CREEK WATER RECYCLING FACILITY TERTIARY EXPANSION—ULTRAVIOLET CHANNEL COATING PROJECT AS PERFORMED BY RESOURCE DEVELOPMENT COMPANY**

**WHEREAS**, in accordance with Section 68 of Article X of the City of Petaluma Charter, Section 20162 of the California Public Contract Code, and other applicable laws, the City of Petaluma solicited bids for the Ellis Creek Water Recycling Facility Tertiary Expansion – Ultraviolet Channel Coating Project (“Project”); and

**WHEREAS**, bids for the Project were opened on September 1, 2022, in accordance with California Public Contract Code Section 4104.5 and other applicable laws; and

**WHEREAS**, the apparent low bid for the Project was the bid of Farr Construction, dba Resource Development Company (RDC) in the amount of \$245,000; and

**WHEREAS**, by Resolution No. 2022-173 adopted November 7, 2022, the City Council of the City of Petaluma found the bid of \$244,500 for the Project to be the lowest responsive bid and awarded the Project to Resource Development Co. (RDC) in the amount of \$244,500 conditioned on RDC’s timely execution of the Project contract and submitting all required documents and authorized and directed the City Manager to sign the Project contract on behalf of the City upon such timely submission and to execute on behalf of the City any change orders and other amendments to the Project contract that are necessary to effectively complete the project and/or to realize the Project and/or cost benefits for the City so long as such change orders or amendments do not result in an increase in excess of the contingency amount; and

**WHEREAS**, the following change orders affecting the Project amount have been approved:

Total Change Orders: One in the amount of \$21,000; and

**WHEREAS**, the final contract amount as amended including all change orders is \$265,500; and

**WHEREAS**, the Water Recycling Facility and River Access Improvements Project Final Environmental Impact Report (EIR), which included the development of the ECWRF (State Clearinghouse #2001052089) was certified on August 5, 2002, by City Council as Resolution No. 2002-135, with addenda prepared in 2004, 2005, 2006, 2007, twice in 2016, and 2022; and

**WHEREAS**, the North Bay Water Reuse Authority (NBWRA) Phase 2 Final Environmental Impact Report/Environmental Impact Statement (State Clearinghouse #2017072051) was certified on August 14, 2018, by the NBWRA of which the City of Petaluma is a member agency; and

**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; and

**WHEREAS**, City staff have inspected the Project and determined that it has been completed in accordance with the contract requirements subject to the Contractor’s continuing warranty and other obligations pursuant to the contract; and

**WHEREAS**, based on the foregoing, staff recommends acceptance of the Project on behalf of the City.

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

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 Water Recycling Facility and River Access Improvements Project Final Environmental Impact Report, with addenda, and North Bay Water Reuse Authority Phase 2 Final Environmental Impact Report/Environmental Impact Statement were previously certified. 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. The contract entitled Ellis Creek Water Recycling Facility Tertiary Expansion – Ultraviolet Channel Coating Project, Project No. C66401416 with a final contract amount of \$265,500 is accepted as complete subject to the Contractor’s continuing warranty and other obligations pursuant to the contract.
4. The City Clerk/Recording Secretary is hereby authorized and directed to file a Notice of Completion concerning the Ultraviolet Channel Coating phase of the Ellis Creek Water Recycling Facility Tertiary Expansion Project with the Sonoma County Clerk’s Office within ten (10) days of the date of this Resolution.
5. Staff is hereby authorized and directed 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, the Petaluma City Charter, California Public Contract Code Section 7107, and applicable law.

Under the power and authority conferred upon this Council by the Charter of said City.

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**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 10<sup>th</sup> day of July 2023, by the following vote:

Approved as to  
form:

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

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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

\_\_\_\_\_  
Mayor