

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

## **APPROVING GRANTING OF A LICENSE AGREEMENT FOR PG&E GAS TRANSMISSION PIPELINES ON THE CITY'S SHOLLENBERGER PARK PROPERTY, A.P.N. 017-170-001**

**WHEREAS**, PG&E is undertaking the R-708 L-021G-10 Pipeline Replacement Project (“Project”) to ensure the safety and reliability of PG&E’s natural gas system; and

**WHEREAS**, PG&E has offered to purchase a Permanent Easement and a Temporary Construction Easement (“Easements”) on property owned by the City, identified as APN 017-170-001, known as Shollenberger Park and located in Sonoma County (“Property”); and

**WHEREAS**, PG&E desires to install a gas transmission pipeline (“Facility”) on the Property in connection with the Project; and

**WHEREAS**, PG&E currently operates and maintains a gas transmission pipeline on the Property pursuant to that certain easement recorded in Book 1672, Page 621 of Official Records of Sonoma County; and

**WHEREAS**, PG&E has notified the City of PG&E’s desire and need to replace, relocate, and upgrade the existing gas transmission pipeline with a replacement gas transmission pipeline by the construction of the Project consisting of the installation of a 16” diameter steel natural gas replacement pipeline installed using horizontal directional drilling methods under the Petaluma River, which facilities will traverse the Property, and removal of two parallel 368 foot subsurface sections of existing 12-inch diameter steel natural gas pipeline and driplines, pursuant to which construction is scheduled to commence on or about October 15, 2023; and

**WHEREAS**, PG&E desires to enter upon the Property in order to begin construction of the Project prior to obtaining formal easement rights from the City with respect to the Property, which easement rights are currently being reviewed by the City, and the City wishes to cooperate with PG&E to ensure the timely completion of this necessary public utility safety Project; and

**WHEREAS**, Section 46 of Article VII of the Petaluma City Charter provides, in pertinent part, that no City action providing for the sale or lease of real property having a value of \$3,000 or more may be taken except by ordinance or pursuant to a general law of the State; and

**WHEREAS**, the requirements of Section 46 of Article VII of the Petaluma City Charter do not apply to the granting of contract rights, including license rights such as those PG&E is seeking to permit entry onto the Property to permit commencement of the Project consistent with the Project construction schedule; and

**WHEREAS**, the State Lands Commission (“Commission”), as lead agency for the Project pursuant to the California Environmental Quality Act (“CEQA”), prepared an Initial Study and Mitigated Negative Declaration (“MND”), assigned State Clearing House Number 202306440, concerning the potential impacts of the Project on the environment pursuant to CEQA, and determined that, although the Initial Study identifies potentially significant impacts of the Project concerning air quality, biological resources, cultural resources, geology, soils and paleontological resources, hazards and hazardous materials, hydrology and water quality, recreation, transportation, wildfire, and mandatory findings of significance, mitigation measures incorporated into the Project proposal and agreed to by PG&E as the Project applicant would avoid or mitigate those impacts to the point where no significant impacts would occur; and

**WHEREAS**, the Project MND is hereby made a part of this resolution by this reference; and

**WHEREAS**, the Commission on June 15, 2023, gave notice of a 30-day public review period and intent to adopt the Project MND in accordance with the requirements of CEQA; and

**WHEREAS**, the City submitted comments on the Project MND on July 17, 2023, and the Commission has responded in writing to the City's comments, all of which City and Commission comments are hereby made a part of this resolution by this reference; and

**WHEREAS**, the Commission adopted Project MND on August 17, 2023.

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

1. The City Council hereby finds and determines the foregoing recitals to be true and correct and hereby incorporates them into this resolution as findings and determinations of the City Council.
2. The City Council, having considered the potential environmental impacts of the Project, as discussed in the Project MND, and addressed in the City's comments on the MND and the Commission's response, and exercising the City Council's independent judgment as a responsible agency concerning the Project pursuant to CEQA, finds, in accordance with Section 21081 of the Public Resources Code, Section 15096 of the CEQA Guidelines, and the Project MND, that changes or alterations have been incorporated into the Project which mitigate or avoid potentially significant impacts of the project on the environment, as listed and discussed in the MND and summarized in the MND executive summary, and that those changes or alterations are within the responsibility and jurisdiction of the Commission as lead agency for the project pursuant to CEQA, and have been adopted by the Commission on August 17, in accordance with and fulfillment of CEQA requirements applicable to the Project.
3. The Right of Entry Agreement ("License Agreement"), the license rights granted and the other rights and responsibilities established in the License Agreement which is attached to and is hereby made a part of this resolution as Exhibit A are hereby approved, and the City Manager is hereby authorized and directed to execute on behalf of the City a License Agreement substantially in accordance with Exhibit A, subject to such further amendments substantially in accordance with Exhibit A that the City Manager, with concurrence of the City Attorney, determines are necessary and appropriate and in the City's interest to affect the purposes of this resolution.
4. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held to be unconstitutional, unlawful, or otherwise invalid by a court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this resolution. The City Council of the City of Petaluma hereby declares that it would have passed and adopted this resolution and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful, or otherwise invalid.
5. This resolution shall take effect immediately upon City Council's adoption.
6. City staff are hereby authorized and directed to file a Notice of Determination concerning the Project on behalf of the City as a responsible agency in accordance with Section 15096(i) of the CEQA Guidelines.

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 11<sup>th</sup> day of September 2023, by the following vote:

Approved as to  
form:

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

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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

\_\_\_\_\_  
Mayor