

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING CONSTRUCTION CHANGE
ORDERS FOR SLF IV-MILLENNIA, LLC FOR THE
CONSTRUCTION OF TRAFFIC SIGNAL IMPROVEMENTS IN
THE MILLENNIA PROJECT AND PROVIDING
TRANSPORTATION DEVELOPMENT IMPACT FEE AND
TRAFFIC SIGNAL FEE CREDIT FOR ELIGIBLE EXPENSES

WHEREAS, SLF IV-Millenia, LLC (Developer), the owners of the Millenia project have constructed a number of traffic signals and portions of future traffic signals within the Millenia project and will construct other signals and portions of signals as part of the remaining phases of development in the project; and

WHEREAS, the Developer has submitted two reimbursement requests to the City: Request # 1 in the amount of \$280,276.69 for Eastlake Parkway at Stylus Street (location #9) and at the Bus Rapid Transit (BRT) Guideway (location #13) and Request # 2 in the amount of \$91,468 for BRT corridor signals at Orion Avenue/North Driveway (location #10) and Solstice Street (location #11); and

WHEREAS, the Resolution reimburses the developer by providing development fee credit for eligible traffic signal work and appurtenances through the City's Transportation Development Impact Fee (TDIF) Program and the City's Traffic Signal Impact Fee Program; and

WHEREAS, in accordance with the Chula Vista TDIF Program, traffic signals on major roadways identified within the TDIF program, are eligible for TDIF credit once the City has audited the expenses; and

WHEREAS, if the signal is not on a TDIF roadway, eligible expenses can be credited through the Traffic Signal Impact Fee Program; and

WHEREAS, as part of the implementation of the City's TDIF and Traffic Signal Impact Fee Programs, staff evaluates reimbursement requests from developers in the City to ensure that all costs are qualifying costs under the City's respective fee programs; and

WHEREAS, in accordance with the TDIF policy, since Eastlake Parkway is a TDIF facility and Stylus Street is not, the reimbursement of TDIF eligible expenses will be split at 50% TDIF and 50% Traffic Signal Impact Fee since half of the intersection approaches are on a TDIF facility; and

WHEREAS, the expenses related to the BRT Transit Guideway are not TDIF eligible and will be credited only through the Traffic Signal Impact Fee Program; and

WHEREAS, the signal at Eastlake Parkway/Stylus Street (location #9) was quoted a price of \$201,000 plus a change order for \$826.69 for traffic signal equipment related to wiring and a signal controller (Exhibit 1) and the same exhibit refers to two bid items, totaling \$66,000 (Bid Items #4 & #5), for \$45,000 and \$21,000, respectively for undergrounding conduit to cross the BRT transit guideway plus foundation work at the Stylus Street location for a total construction cost of \$267,826.69; and

WHEREAS, there are also engineering costs of \$10,975.00 related to this work, as such, the total reimbursement sought by the Developer for Request # 1 is \$278,801.69; and

WHEREAS, the City's policies for reimbursement require that all projects be competitively bid and that any project with a change order exceeding \$50,000 be brought to the City Council for approval and reimbursement Request #1 is a change order which was added by the developer to an existing, competitively bid Millenia signal contract; and

WHEREAS, the signal modification at the intersection of Eastlake Parkway/Stylus Street (location #9) is also in very close proximity to the signal with the BRT Guideway (location #13) and as such, both signalized locations are operating as one larger intersection with additional signal equipment necessary for the two locations; and

WHEREAS, based on the above, any BRT related underground equipment for signal systems which are being installed in advance of the BRT system operating will be reimbursed via the Traffic Signal Impact Fee; and

WHEREAS, although the Developer submitted expenses totaling \$278,801.69, for signal #9, it should be noted that, based on the cost of comparable signals, staff recommends reimbursement for the construction costs of the traffic signal at Eastlake Parkway/Stylus Street (location # 9) in the amount of \$206,975 because after careful review, staff found this amount to be consistent with other similarly configured signals in Millenia; and

WHEREAS, the \$206,975 reimbursement for location # 9 shall be \$103,487 in credit from the TDIF Program and \$103,488 in credit from the Traffic Signal Impact Fee Program; and

WHEREAS, based on the above, the total eligible reimbursement total for Request # 1 will be \$206,975; and

WHEREAS, the Developer's Request # 2 is for reimbursement of signal related expenses on the Bus Rapid Transit corridor signals at Orion Avenue/North Driveway (location #10) and Solstice Street (location #11); and

WHEREAS, as part of the construction of the planned streets in Millenia, the developers are required, pursuant to a specific mitigation measure in the project Environmental Impact Report (EIR), to place conduits along the corridor, not just at intersections, this requirement is intended to facilitate the future construction of BRT corridor traffic signals by SANDAG and due to the fact that the development phasing and street construction is often well in advance of

SANDAG's planned service, SANDAG will not reimburse the Developer for those future facilities early; and

WHEREAS, should the Developer have wanted to preserve their right to future reimbursement, they would have had to publicly bid, at prevailing wage rates, the full street improvements, which would have resulted in cost increases to the Developer well in excess of the requested reimbursement amounts; and

WHEREAS, it is in the public's best interest to have the conduit installed with the initial street infrastructure now in order to avoid having the street pavement section trenched in the future when BRT service is planned and the traffic signals are needed since it is more cost effective and less disruptive to the public to install these facilities now and the conduit which is placed will be owned by the City and available for the City's use, which could include placing infrastructure needed to support the Smart Cities Initiative and signal systems communications; and

WHEREAS, the City can pursue reimbursement from SANDAG for use of the conduits when SANDAG completes the BRT signal construction; and

WHEREAS, the Developer is requesting reimbursement for two signalized intersections needed for the BRT service which includes \$53,243 for intersection #10 and \$38,225 for intersection #11, for a total reimbursement request of \$91,468 for engineering, administration and construction costs; and

WHEREAS, any future work related to these signalized locations will not be reimbursed by the City of Chula Vista since they are needed for the BRT service so no additional reimbursement requests will be accepted for these two intersections as they will be completed and funded by SANDAG; and

WHEREAS, staff is recommending the approval of the requested reimbursement "Request # 2" in the amount of \$91,468, to be allocated to the Traffic Signal Impact Fee Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it hereby approves construction change orders for SLF IV-Millenia, LLC for the construction of traffic signal improvements in the Millenia project and providing Transportation Development Impact Fee and Traffic Signal Impact Fee credit for eligible expenses.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it hereby approves Developer Reimbursement Request # 1 in the amount of \$208,450 of which \$103,487 will be credited from the Transportation Development Impact Fee Program and \$104,963 will be credited from the Traffic Signal Impact Fee Program.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it hereby approves Developer Reimbursement Request # 2 in the amount of \$91,468 credited from the Traffic Signal Impact Fee Program.

Presented by:

Approved as to form by:

Richard A Hopkins
Director of Public Works

Glen R. Googins
City Attorney

Exhibit 1