

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING A REIMBURSEMENT
AGREEMENT FOR THE CONSTRUCTION OF MONTECITO
NEIGHBORHOOD PARK WITHIN OTAY RANCH, VILLAGE
2 AND APPROPRIATING FUNDS THEREFOR

WHEREAS, on November 4, 2014, by Resolution 2014-213 Council approved the *Agreement Regarding the Construction of Parks P-1, P-2, P-3, P-5 and P-6 in a portion of Otay Ranch Village 2*, (“Overall Parks Agreement”); and

WHEREAS, the Overall Parks Agreement was intended to establish a process, procedure and responsibility for development of the Parks P-1, P-2, P-3, P-5, and P-6 (“Covered Parks”); and

WHEREAS, through the Overall Parks Agreement, Baldwin and Sons, Inc. (“Baldwin”) accepted responsibility for developing the Covered Parks; and

WHEREAS, in exchange for this responsibility, the City agreed that Baldwin would not be responsible for the payment of PAD fees equivalent to the costs of the Covered Parks; and

WHEREAS, however, Baldwin, as well as other merchant builders, had already developed a certain number of dwelling units in Village 2 and paid the associated PAD fees; and

WHEREAS, in accordance with the Overall Parks Agreement, Baldwin could enter into a Reimbursement Agreement with the City to obtain reimbursement for those fees already paid and those fees would be used to cover a portion or all of the costs required to develop P-3; and

WHEREAS, to determine the approximate amount of reimbursement to which Baldwin will be entitled, Baldwin, in accordance with City bidding process, advertised the project to develop P-3; and

WHEREAS, P-3 is expected to be completed in 2 phases; and

WHEREAS, prevailing wage bids for the construction of the park were received by the developer, Baldwin and Sons, on June 20, 2016, and the first phase of the park is anticipated to be open to the public in early 2018; and

WHEREAS, the lowest responsible bidder to whom the bid was awarded was determined to be Brightview Landscape with a bid amount of \$3,100,000 and

WHEREAS, the bid amount exceeds the dollar amount of the PAD fees received for development of P-3; and

WHEREAS, pursuant to Resolution 2006-191, the City has collected funds from the Eastlake III Senior Project (Olympic Pointe) which may be utilized on any park or public facility serving the Eastern Territories of Chula Vista; and

WHEREAS, the City Council desires to apply a portion of the funds collected from Olympic Pointe to mitigate projected funding shortfalls between the PAD in-lieu fees collected from Otay Ranch Village 2 and the estimated design and construction cost of P-3 (Montecito Park); and

WHEREAS, a total of \$4,033,781 is recommended for appropriation from the PAD Fund in the current fiscal year, representing all estimated design costs and the estimated phase 1 construction costs; and

WHEREAS, additional funds to reimburse the Baldwin for phase 2 construction costs will be appropriated via subsequent budget action; and

WHEREAS, the proposed project complies with the California Environmental Quality Act (CEQA) and has determined that the proposed project was adequately covered in the previously adopted Final Second Tier Environmental Impact Report, No. 07-01 and Final Environmental Impact Report No. 12-01. Thus, no further environmental review or documentation is required; and

WHEREAS, The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the proposed project was adequately covered in the previously adopted Final Second Tier Environmental Impact Report, No. 07-01 and Final Environmental Impact Report No. 12-01. Thus, no further environmental review or documentation is required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it approves the Reimbursement Agreement for the Construction of Montecito Neighborhood Park Within Otay Ranch, Village 2, in the form presented, with such minor modifications as may be required or approved by the City Attorney, a copy of which shall be kept on file in the Office of the City Clerk., and authorizes and directs the Mayor or City Manager to execute same.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it amends the fiscal year 2016-17 budget and approves an appropriation of \$4,038,781 to the Other Expenses expenditure category of the Parkland Acquisition and Development (PAD) Fund.

Presented by

Approved as to form by

Kelly G. Broughton, FASLA
Development Services Director

Glen R. Googins
City Attorney