

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF HAYWARD AND LA VISTA, L.P., FOR DESIGN AND CONSTRUCTION OF WATER STORAGE RESERVOIR AND REIMBURSEMENT OF ALL COSTS BY LA VISTA, L.P.

WHEREAS, on June 15, 2015, the City entered into an agreement ("Agreement") with La Vista, L.P., a Limited Partnership ("Developer"), that the design and construction of the water storage reservoir and pump station upgrade will be administered by the City; and the City will be reimbursed for all costs associated with the design and construction of the water storage reservoir and pump station upgrade needed to accommodate the La Vista development; and

WHEREAS, in accordance with the referenced Agreement, the Developer would pay a per-dwelling unit fee to the City prior to issuance of the first 150 building permits for each residential lot; and

WHEREAS, the per-dwelling unit fee was calculated at \$20,534 and based on a June 2015 probable estimated project cost of \$2,830,000; and

WHEREAS, by Resolution 16-224 on December 13, 2016, the City Council approved the plans and specifications for New Garin Reservoir and Pump Station Improvements Project, and called for bids to be received on March 7, 2017; and

WHEREAS, on March 7, 2017, six (6) bids were received ranging from \$3,389,700 to \$4,631,000; Spiess Construction Co., Inc., of Santa Maria, CA, submitted the low bid in the amount of \$3,389,700, which was 4% above the Engineer's Estimate of \$3,259,000; and award of a construction contract in a total amount of \$4,102,700 to include costs for design, construction, inspections, and administrative charges by the City Council is scheduled for May 16, 2017; and

WHEREAS, Developer has agreed to fully reimburse the City for the increased cost of design and construction; and

WHEREAS, the City and Developer agree to amend the Agreement to increase the per-dwelling unit fees to allow the City to fully recoup all its costs; and

WHEREAS, to keep the per-unit cost as low as possible, the Developer has asked the City to extend the fee over the entire development, i.e. 179 units, and not just the first 150 units as originally agreed to; and

WHEREAS, to date, forty-six building permits have been issued and the per-dwelling unit fee of \$20,534 has been paid by the Developer to the City for each of the forty-six lots; and

WHEREAS, the per-dwelling unit fee has been adjusted to \$24,091 for the remaining 133 lots, and

NOW, THEREFORE BE IT RESOLVED by the City Manager is hereby authorized to negotiate and execute an Amendment to the Agreement between the City and La Vista, L.P., to increase the per dwelling fee due and payable at the issuance of each building permit for a dwelling unit to \$24,091, for the remaining 133 dwelling units in the project.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2017

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward