

RESOLUTION NO. 2021-006

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,
COUNTY OF NAPA, STATE OF CALIFORNIA, APPROVING AN AGREEMENT
WITH SILVER ROSE VENTURE, LP FOR INSTALLATION
OF PEDESTRIAN SAFETY IMPROVEMENTS ON SILVERADO TRAIL**

WHEREAS, Silver Rose Venture LP (Developer) is constructing a resort and residential development at 400 Silverado Trail (Development) under a Development Agreement (Authorizing Agreement 514, December 19, 2012); and

WHEREAS, during construction of the Development it was determined that existing and future pedestrian traffic in the vicinity of the Development necessitates the installation of pedestrian safety improvements on Silverado Trail; and

WHEREAS, the City of Calistoga (City) entered in an agreement with GHD/Omni Means to conduct an engineering evaluation to identify and recommend a preferred alternative for safety improvements on Silverado Trail near the Development; and

WHEREAS, the evaluation by GHD/Omni Means recommended that a High-Intensity Activated Crosswalk signal (HAWK Signal) best fits the safety selection criteria for the conditions and proposed location on Silverado Trail; and

WHEREAS, based on the evaluation and recommendation from GHD/Omni Means the City Council adopted Resolution No. 2018-109 authorizing a Consultant Services Agreement with BKF Engineers to prepare plans and specifications for the HAWK Signal; and

WHEREAS, the HAWK Signal plans and specifications have been deemed complete by City staff and ready to construct; and

WHEREAS, due to the COVID-19 pandemic the City has experienced reduced operating revenues, resulting in impacts to City staffing levels and commensurate reduction and delay in delivery of capital improvements projects, including construction of the HAWK Signal; and

WHEREAS, the Development is scheduled to be completed and operational before the City can complete construction of the HAWK Signal; and

WHEREAS, the City and Developer desire to complete installation of the HAWK Signal prior to occupancy of the Development for mutual benefit and improved pedestrian safety; and

WHEREAS, Developer has demonstrated the ability to construct public improvements including water lines, storm drains, sewer mains and street improvements; and

WHEREAS, Developer has obtained quotes for installation of the HAWK Signal utilizing the plans and specifications prepared by BKF Engineering with the lowest quote being \$204,900 from DC Electric from Cotati; and

WHEREAS, the Developer is required to pay \$807,417 in impact and capacity fees upon issuance of first Occupancy Certificate for the residential portion of the Development; and

WHEREAS, Staff recommends Developer be allowed to retain not more than \$210,000 in capacity fees derived from the water capacity fees (\$170,749) and the wastewater capacity fees (\$39,251) to construct the HAWK Signal; and

WHEREAS, Developer will contribute \$10,000 towards the construction of the HAWK Signal; and

WHEREAS, at the completion of construction of the HAWK Signal a reconciling audit will be performed to determine any outstanding amounts owed by either Party; and

WHEREAS, once the audit has been completed any outstanding amount owed to either party will be paid within forty-five (45) calendar days of acceptance of the HAWK Signal improvements.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CALISTOGA DOES RESOLVE, DECLARE, DETERMINE, FIND AND ORDER AS FOLLOWS:

1. Approves the Plans and Specifications prepared by BKF Engineering for the HAWK Signal and authorizes its construction.
2. Affirms that the construction of the HAWK Signal is Categorically Exempt from CEQA pursuant to Section 15301 – Existing Facilities (c) and (f).
3. Approves an Agreement with Silver Rose Venture LP for construction of the HAWK Signal on Silverado Trail and authorizes the City Manager to execute the Agreement.
4. Authorizes a credit in the amount of \$170,749 from the Water Connection Fee and \$39,251 from the Wastewater Connection Fee be granted to Silver Rose Venture LP for construction of the HAWK Signal at 400 Silverado Trail.
5. Directs that a reconciling audit be conducted after the construction of the HAWK Signal is complete to verify the actual cost of the construction with final remittance to either party due and payable within forty-five (45) calendar days of acceptance of the HAWK Signal improvements.
6. Directs staff to monitor fund balances for the Transportation and Cultural/Recreational Impact Fees and reimburse the Water and Wastewater Connection Fee as fees are received, up to the amounts expended on the HAWK Signal construction.
7. Directs staff to take the necessary actions to carry out the intent of this Resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calistoga at its regular meeting held this **2nd** day of **February 2021**.

I, Marni Rittburg, City Clerk of the City of Calistoga, hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Calistoga at a regular meeting held on the **2nd** day of **February 2021**, by the following vote:

AYES: Councilmembers Gift and Kraus, Vice Mayor Lopez-Ortega and Mayor Canning
NOES: Councilmember Williams
ABSENT: None
ABSTAIN: None

ATTEST:



MARNI RITTBURG, CMC, City Clerk

APPROVED:



CHRIS CANNING, Mayor