

RESOLUTION NO. 2016-064

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,
COUNTY OF NAPA, STATE OF CALIFORNIA, ACCEPTING AS COMPLETE
THE LOWER WASHINGTON STREET SEWER TRUNK LINE AND THE PINE
STREET SEWER LIFT STATION REQUIRED AS PART OF THE CALISTOGA HILLS
RESORTS PROJECT, AUTHORIZING THE PUBLIC WORKS DIRECTOR TO FILE A
NOTICE OF COMPLETION AND AUTHORIZING REIMBURSEMENT PAYMENTS**

WHEREAS, the City of Calistoga entered into a Development Agreement with Calistoga Hills Resorts, Inc. in April 2013 and a Subdivision Offsite Improvement and Reimbursement Agreement on May 19, 2015; and

WHEREAS, the Subdivision Offsite Improvement Agreement included construction of the Lower Washington Street Sewer Trunk Line and the Pine Street Sewer Lift Station; and

WHEREAS, as part of the project the City agreed to reimburse Calistoga Hills Resorts, Inc. for certain improvements associated with replacement of the Pine Street Sewer Lift Station and recycled water main in order to comply with the November 12, 2014 Cease and Desist Order issued by the State and to install conduit for future installation of fiber optic cable for improved SCADA communication to the Wastewater Treatment Plant in the amount of \$930,000; and

WHEREAS, the City agreed to pay \$380,000 to Calistoga Hills Resort, Inc. 35 days after recordation of a Notice of Completion was filed, provided there were no mechanics liens or stop notices filed by contractors, subcontractors or other parties; and

WHEREAS, the City agreed to pay a second lump sum payment of \$275,000 on or before July 10, 2016; and

WHEREAS, the City Council now desires to accept the project as complete and fulfill the payments as required by the Subdivision Improvement and Reimbursement Agreement.

NOW, THEREFORE BE IT RESOLVED THAT AS FOLLOWS:

1. The City Council of the City of Calistoga hereby accepts as complete the work for the Lower Washington Street Sewer Trunk Line and the Pine Street Sewer Lift Station.
2. The Public Works Director is authorized to file a Notice of Completion with the Napa County Recorder.
3. Payment in the amount of \$655,000 may be disbursed to Calistoga Hills Resorts, Inc. after the Notice of Completion has been filed and a waiting period of 35 days has passed, provided there were no mechanics liens or stop notices filed by contractors, subcontractors or other parties.
4. The Performance Bond and Payment bond may be released.

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PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this **2nd day of August, 2016**, by the following vote:

AYES: Councilmembers Kraus, Lopez-Ortega and Barnes and Mayor Canning
NOES: None
ABSTAIN: None
ABSENT: Vice Mayor Dunsford



CHRIS CANNING, Mayor

ATTEST:



Kathy Flamson, City Clerk