City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 16 **Ordinance/Resolution#** 13-144

For Meeting of _____ (Ordinance First Reading Date) **For Meeting of** April 15, 2013 (Adoption Date)

Please check box that applies to this item:
☐QUASI JUDICIAL ☐LEGISLATIVE ☒ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING PAYMENT TO SIERRA NORTE LAND HOLDINGS, LLC., FOR CONSTRUCTION OF TWO NEIGHBORHOOD PARKS LOCATED IN THE METRO VERDE SOUTH PHASE I SUBDIVISION, IN AN AMOUNT NOT TO EXCEED $208,000.00; AND TO AMEND THE FY13 ICIP.

PURPOSE(S) OF ACTION:

To reimburse a developer for the construction of two neighborhood parks within Metro Verde South Phase I Subdivision.

COUNCIL DISTRICT: 5		
Drafter/Staff Contact: Eric Martin	**Department/Section:** Public Works/Facilities Management	**Phone:** 528-2616
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Parks and Recreation Department staff has negotiated an agreement with the developer of Metro Verde South Phase I Subdivision to construct two (2) neighborhood parks for the benefit of future residents within the area. In return, the City will reimburse the developer for the construction of the parks in the amount of $208,000.00 from the Park Impact Fee account. Invoices were submitted to the City by the developer demonstrating actual costs associated with construction of both parks, which totaled $243,932.00.

The Metro Verde Phase I South Development is located west of Sonoma Ranch Boulevard, north of Thurmond Road, and is part of the Sierra Norte Master Planned Area. The development includes 0.912 acres set aside for two neighborhood parks. The parks are located in Phases 1B and 1D and consist of 0.256 acres and 0.656 acres, respectively.

The developer has already completed the construction of both parks with final inspection approval by staff. Said inspection was to determine compliance with City rules and regulations governing park development such as level of service requirements, accessibility and landscaping specifications. Therefore, staff has approved acceptance of the parks for dedication and maintenance subject to City Council approval of this proposed agreement.

Per negotiations and the approved subdivision plats, the amount of the reimbursement will be based on the current Park Impact Fee of $800.00 per lot and the projected build-out calculated

at 260 residential lots, for a total reimbursement of $208,000.00. The developer will deed both park tracts to the City.

Staff has conducted an inspection, reviewed the invoices justifying the costs associated with development of both parks, and recommends approval of the Resolution authorizing payment for both parks. Such action will conclude the developer's responsibility for park development within Metro Verde Phase I. Park Impact Fees will continue to be assessed for the entire subdivision.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Reimbursement Agreement for Two Neighborhood Parks.
3. Attachment "A", Construction Invoices.
4. Attachment "B", Vicinity Map.
5. Attachment "C", Photos of Neighborhood Parks.
6. Attachment "D", Amended Parks and Recreation ICIP.

SOURCE OF FUNDING:

Is this action already budgeted?			
	Yes	☒	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the ___Fund.
Does this action create any revenue?			
	Yes	☐	Funds will be deposited into this fund: _____in the amount of _____for FY_____
	No	☒	There is no new revenue generated by this action.

BUDGET NARRATIVE

Park Development Impact Fees received under the Park Management Area – General will fund the developer's reimbursement for the construction of two neighborhood parks within the Metro Verde South Phase I Subdivision.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
Public Park Development Fund – Park Management General	41803070-854222	$208,000.00	$501,471.20	$293,471.20	To fund other public park developments.

OPTIONS / ALTERNATIVES:

1. Vote "YES"; and approve the Resolution and proposal for accepting two newly developed neighborhood parks and reimbursing the developer for constructing the parks in the Metro Verde South Phase I Subdivision. This will add two additional parks to the park system and allow the City to maintain them at an appropriate level of service.
2. Vote "NO"; and deny the Resolution. Such action will not approve the agreement and thus not reimburse the developer nor accept the newly constructed neighborhood parks. As a result, the parks would remain outside of the park system.
3. Vote to "Amend"; this may require staff to review potential issues with the City's Legal Department.
4. Vote to "Table"; this could delay payment to the Contractor.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits:

N/A.

RESOLUTION NO. 13-144

A RESOLUTION APPROVING PAYMENT TO SIERRA NORTE LAND HOLDINGS, LLC., FOR CONSTRUCTION OF TWO NEIGHBORHOOD PARKS LOCATED IN THE METRO VERDE SOUTH PHASE I SUBDIVISION, IN AN AMOUNT NOT TO EXCEED $208,000.00; AND TO AMEND THE FY13 ICIP.

The City Council is informed that:

WHEREAS, the City of Las Cruces negotiated an agreement with the developer of Metro Verde Subdivision Phase I to build two (2) neighborhood parks; and

WHEREAS, the developer completed the construction of both neighborhood parks for the benefit of the residents; and

WHEREAS, staff has inspected the parks and determined that the improvements are in compliance with City rules and regulations; and

WHEREAS, based on negotiations with the developer and a review of invoices, staff recommends reimbursement in an amount not to exceed $208,000.00.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the Reimbursement Agreement for Two Neighborhood Parks, attached hereto as Exhibit "A", and made a part of this Resolution; and payment for authorization to Sierra Norte Land Holdings, LLC., Inc., is approved in an amount not to exceed $208,000.00.

(II)

THAT the City Manager is hereby authorized to execute the agreement and payment amount on behalf of the City.

(III)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

VOTE:
Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Smith: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

REIMBURSEMENT AGREEMENT CONSTRUCTION OF TWO NEIGHBORHOOD PUBLIC PARKS

THIS AGREEMENT made and entered into this _____ day of _____, 2013, by and between the City of Las Cruces, Dona Ana County, New Mexico, a Municipal Corporation, hereinafter referred to as "Owner", and Sierra Norte Land Holdings, LLC. Developer of Metro Verde South Subdivision Phase 1, hereinafter referred to as "Contractor".

WITNESSETH:

WHEREAS, for valuable consideration, the Contractor has furnished the labor, tools, equipment, material and has completed in every detail the construction of two Neighborhood Public Parks for a total area of 0.912 acres within the Metro Verde South Phase I Subdivision.

FOR SAID CONSIDERATION, IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. TWO PUBLIC PARKS have been constructed within the Metro Verde South Phase I Subdivision. The parks contain a total of 0.912 acres in size and will be deeded to the City of Las Cruces. The parks are identified as Tract C-1, Metro Verde South Phase 1B, consisting of 0.256 acres and Tract G-1, Metro Verde South Phase ID, consisting of 0.656 acres.
2. The Contractor has constructed the parks at its cost in exchange for the City's reimbursement of the costs of construction of said parks from park impact fees to be collected within the Metro Verde South Phase I subdivision.
    a. The Parks have been constructed in compliance with City codes as well as applicable State and Federal standards (e.g. AMERICANS WITH DISABILITIES ACT).
    b. The Parks include finish grading, irrigation system, basketball and tennis court, playground equipment, tables, benches, fencing and grass play fields.
    c. The work has been completed by Contractor and shall be delivered to the Owner free of all Liens, claims and demands of any kind for materials, equipment, supplies, services, labor, taxes and damages to property or person.
3. Per the Notes associated with the approved subdivision plat (Metro Verde South Phase I), the amount of reimbursement is based on the current park impact fee of $800.00 per lot and the projected build-out of 260 residential lots. For a total proposed reimbursement of $208,000.00. The City will reimburse Contractor in the amount of $208,000 for building the parks from the Park Impact Fee General account.

4. The Contractor has submitted invoices to the City outlining actual costs and/or expenses associated with construction for both parks. City Staff has reviewed the invoices and found the detail sufficient to document the expenses and proposed reimbursement.
5. The final design and construction of the Parks have been done to the satisfaction of the Owner, under the direction of the City's Landscape Architect and Parks & Recreation Director.
6. The Contractor will deed both park tracts to the City by Special Warranty Deed prior to City remitting payment.
7. This Agreement incorporates all of the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof and that all such covenants, agreements, and understandings have been merged into this written agreement. No prior agreement or understanding verbal or otherwise of the parties or their agents shall be valid or enforceable unless embodied in this agreement. This agreement shall inure to the benefit of and be binding upon the parties and upon their respective successors and assigns.

CITY OF LAS CRUCES

By: _____

Robert Garza,
City Manager

APPROVED AS TO FORM

_____

CITY ATTORNEY

SIERRA NORTE LAND HOLDINGS, LLC, INC.

By: _____

ACKNOWLEDGEMENTS

STATE OF NEW MEXICO)
) ss.
COUNTY OF DOÑA ANA)

The foregoing instrument was acknowledged before me on this ____day of _____ 2013, by Robert Garza, City Manager of the City of Las Cruces, a New Mexico municipal corporation, on behalf of said municipal corporation.

_____
Notary Public

My commission expires: _____

STATE OF NEW MEXICO)
) ss.
COUNTY OF DOÑA ANA)

The foregoing instrument was acknowledged before me on this 28th day of March 2013, by John Moscato, property owner.

Notary Public

My commission expires: 12/26/2014

OFFICIAL SEAL
Michael Q. Hernandez
Notary Public
State of New Mexico
My Commission Expires: 12/26/2014

Gallardo Construction, LLC
889 Supreme Ct.
Las Cruces, NM 88007

COST BREAKDOWN

Date	Estimate #
3/5/2012	2766

Name / Address
Sierra Norte Land Holdings John Moscato 3590 W. Picacho Avenue Las Cruces, NM 88007

Project

Description	Qty	Rate	Total
Sports Park at Metro Verde Tennis Court (2" of Leveling Material, 7200 SQ.FT. Of 5 1/2" 4000 PSI Strength Post Tension Concrete Tennis Court Slab) With Any Color Surfacing.	7,200	6.51	46,872.00
Basketball Court (2" of Leveling Material, 3850 SQ.FT. Of 5 1/2" 4000 PSI Strength Post Tension Concrete Slab)	3,850	6.51	25,063.50
All Basketball and Tennis court Accessories (Net, Posts, Goal, Striping) As Per Plan.	1	5,831.05	5,831.05
Run Conduit According To Plans and Specs.	1	3,224.45	3,224.45
Concrete Paths at Sports Park (1091 SQ.FT. Of 4" Concrete)	1,091	3.80	4,145.80
Chain Link Fence Around Basketball and Tennis Court W/Chain Link Gate According to Plans and Specs.	1	19,000.00	19,000.00
Site Furnishings: Table Tennis, Benches, Tables, Trash Cans, Bike Rack, Pet Waste Stations, and All Concrete Pads Under Furniture.	1	13,625.00	13,625.00
3/4" Stub Out for Water Fountain at Courts	1	320.00	320.00
Construction Management Fee Is Not Included		0.00	0.00
Basketball Ct.	1	4,575.00	4,575.00
NM Tax Not Included		0.00	0.00
~~ CHANGE ORDER ~~~~~ June 7, 2012 > Added 1 Surfacing. (+$4,575.00) Total change to estimate +$4,575.00 ~~~~~~~~~~~~~~~~~~~~~~~~~~~~			

PAID	Total	$122,656.80

THANK YOU!

Gallardo Construction, LLC
889 Supreme Ct.
Las Cruces, NM 88007

COST BREAKDOWN

Date	Estimate #
10/10/2012	2824

Name / Address
Sierra Norte Land Holdings John Moscato 3590 W. Picacho Avenue Las Cruces, NM 88007

Project

Description	Qty	Rate	Total
Playground Equipment Only (Free Standing and Weevos)	1	39,184.00	39,184.00
Playground Equipment Installation Labor Only	1	30,161.55	30,161.55
Standing Curb Around Perimeter of Playground Area Aproximately (256) LF.	256	13.36	3,420.16
Concrete Sidewalks around Park Area Aproximately (1875) SF.	1,875	4.00	7,500.00
Tables, Benches, Trash Receptacles, and Bike Rack.	1	6,625.34	6,625.34
3/4" Stub Out for Future Drinking Fountain	1	320.00	320.00
Wrought Iron Fence Aproximately (67) LF.	1	1,580.00	1,580.00
Wrought Iron Fence (Back) LS.	1	4,409.00	4,409.00
NM GRT 7.5625%	1	6,714.82	6,714.82
~~ CHANGE ORDER ~~~~~ November 8, 2012 > Added 1 Fence. (+$4,409.00) Total change to estimate +$4,409.00 ~~~~~~~~~~~~~~~~~~~~~~~~~~~			

PAID	**Total** $99,914.87

THANK YOU!

Landscapes & Design Center, Inc.

NM Lic. # 352695
P.O Box 709
Las Cruces, NM 88032
Phone 575-527-9867
Fax 575-527-5368
www.landscapelascruces.com

Date 10/16/2012

Metro Verde South-Phase B Park Break down

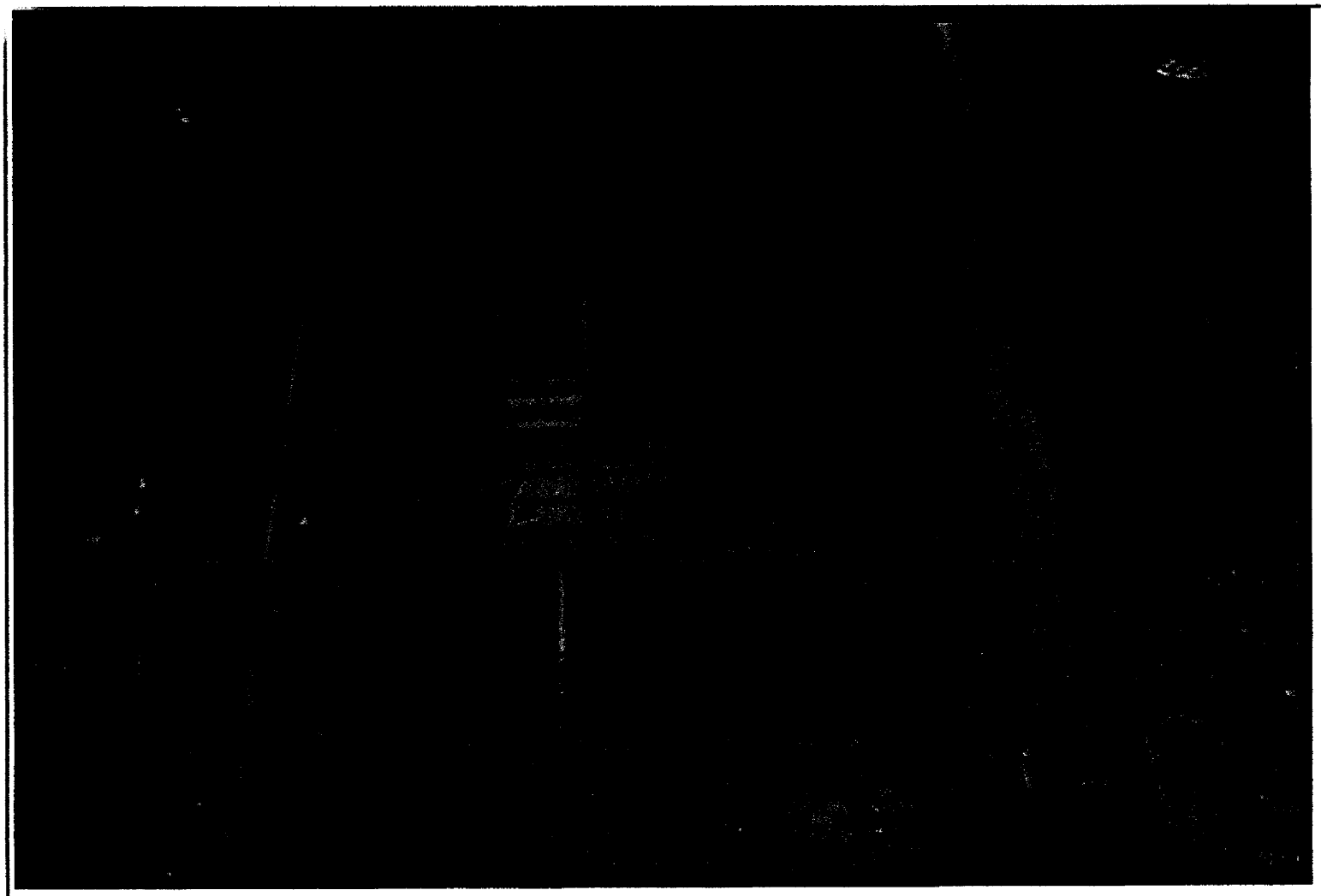
Irrigation
13 Trees
157 shrubs
Gravel
Metal edging
Phase B play area cost **$14,790.16**

Tennis court Phase D
Irrigation
14 Trees
167 shrubs
Gravel
Metal edging
Total tennis court area cost **$21,360.59**

*****This is a statement of cost break down for the Tennis Court area and Child Playground area, THIS IS NOT AN INVOICE.**

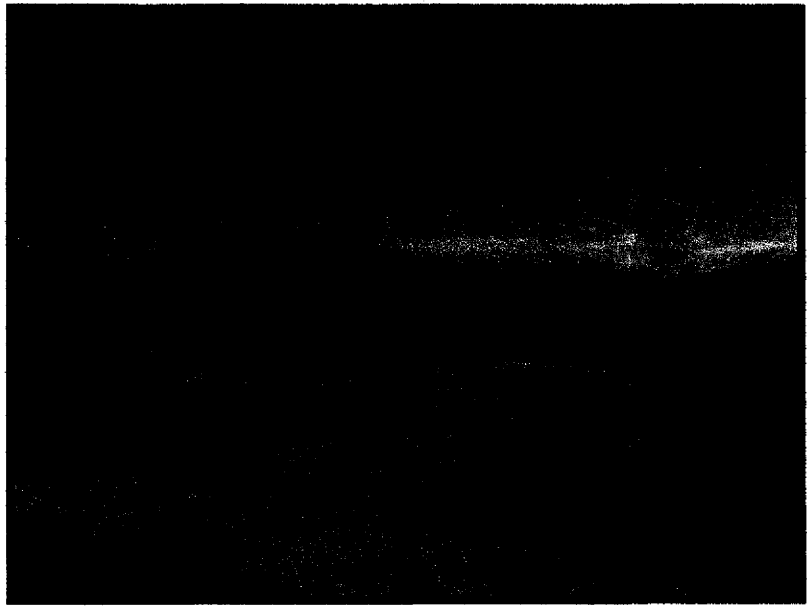
Metro Verde Reimbursement

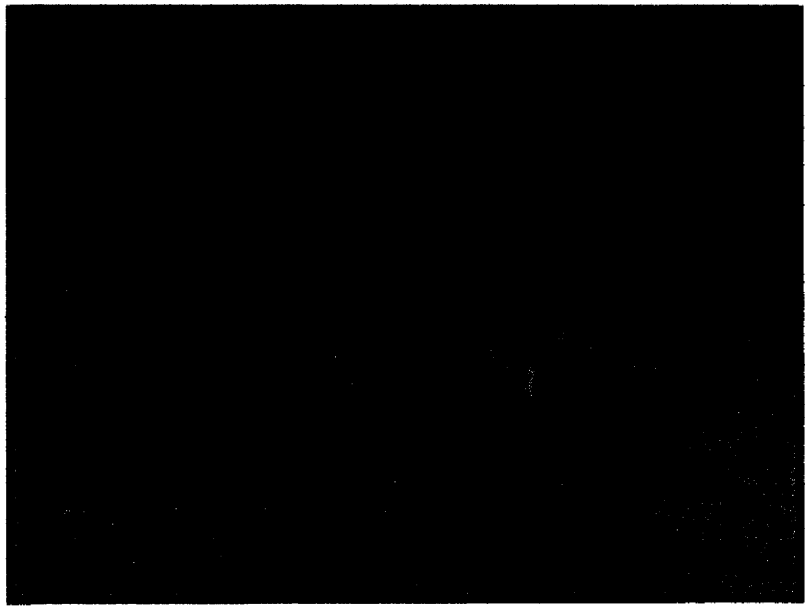
Park Locations



Metro Verde Reimbursement

Site Images





CITY OF LAS CRUCES
Infrastructure Capital Improvement Program
FY 2013-18

	A	B	C	D	E	F	G	H	I
4	Priority	Project Title	Funding Projections by Fiscal Year						Funding
5	Ranking		2013	2014	2015	2016	2017	2018	Source
73									
74	**2013-03**	**Parks ICIP**							
75	2013-03.17	Airplane/Vehicle Remote Control Park		100,000	200,000	100,000			TBD
76	2013-03.16	Archery Range		50,000		125,000		2,000,000	TBD
77	2013-03.22	Ballfield/Soccer Field Renovations & Upgrades		2,500,000		125,000	250,000	2,000,000	TBD
78	2013-03.11	Burn Lake/Esslinger Park - Additional Phases	891,426		3,200,000				Bond Cycling, SAP, PIF, CP#6
79	2013-03.28	Butterfield Shooting Range				125,000			Bond Cycling
80	2013-03.33	Chandler Tank Park - Phase I					375,000		Bond Cycling, SAP, FED, PIF
81	2013-03.34	Community Gardens						15,000	Bond Cycling, SAP, FED
82	2013-03.01	Desert Trails Park - Erosion control & retaining wall	40,000						PIF 2
83	2013-03.09	Desert Trails Park - Install restrooms	300,000						PIF GEN
84	2013-03.23	Downtown Civic Plaza - Design/Construct		1,500,000	3,500,000				TIDD & TBD
85	2013-03.32	Downtown Gateways				2,000,000			Bond Cycling, SAP, FED
86	2013-03.13	East Mesa Area Park - Construction		100,000					PIF GEN
87	2013-03.14	East Mesa Area Park - Design		191,000					PIF GEN
88	2013-03.26	East Mesa Recreation Center			5,000,000				Bond Cycling
89	2013-03.15	Gateway Entry Points Signage		50,000	50,000	50,000	50,000	50,000	CIR
90	2013-03.20	General Park Renovations		225,000	200,000	575,000		500,000	TBD
91	2013-03.18	Harty Field - Parking		175,000					TBD
92	2013-03.27	Harty Field - Restroom Additions				100,000			Bond Cycling
93	2013-03.02	Mesilla Park - Complete amenities	47,000						PIF 4
94	2013-03.36	Merto Verde Neighborhood Parks	208,000						PIF GEN
95	2013-03.10	North Alameda Arroyo Trail	321,000						PIF GEN, State
96	2013-03.12	North Del Rey Park - Design		35,000					PIF GEN
97	2013-03.04	North Las Cruces Park - Phase III	75,000						PIF GEN
98	2013-03.07	Outfall Channel Trail	225,000						PIF GEN
99	2013-03.05	Parkhill Estates Neighborhood Park	150,000						PIF GEN
100	2013-03.29	Parking Lot/Trail Renovations				580,000		50,000	TBD
101	2013-03.08	Paseo de Onate Park - Design and Construct	238,000						PIF 3, PIF GEN
102	2013-03.31	Playground/Amenity Renovations/Enhancements				1,275,000		1,125,000	Bond Cycling
103	2013-03.03	Pueblos at Alameda	49,593						PIF PA
104	2013-03.25	Regional Rec & Aquatic Center - Phase II - Cnstr.			5,000,000	5,000,000			Bond Cycling, Local
105	2013-03.30	Structure Renovations				685,000		125,000	TBD
106	2013-03.06	Twin Parks - Design/Construct	150,000						PIF 3, PIF GEN
107	2013-03.24	Unidad Park Reconstruction			1,000,000				TBD
108	2013-03.19	Utilities/Irrigation Upgrades		200,000		150,000			TBD
109	2013-03.21	Waterfalls Park		350,000	1,000,000			1,000,000	PIF D, Bond Cycling
110	2013-03.35	West Mesa Park						600,000	Bond Cycling
112		**Total Parks ICIP**	**2,695,019**	**5,476,000**	**19,150,000**	**10,890,000**	**675,000**	**7,465,000**	**$ 46,351,019**
113									
114		**Total By Fiscal Year**	**$ 28,386,685**	**$ 18,609,442**	**$ 59,606,600**	**$ 20,806,173**	**$ 9,066,494**	**$ 58,678,250**	**$ 195,153,645**

431

Attachment "D"