

RESOLUTION 2017-204

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO APPROVING AND AUTHORIZING THE EXECUTION OF A TERMINATION AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY BY AND BETWEEN THE CITY OF SAN PABLO AND CAPITAL PARTNERS DEVELOPMENT COMPANY; AUTHORIZING STAFF TO BEGIN THE DESIGN BUILD PROCESS FOR THE CONSTRUCTION OF THE NEW CITY HALL; AND RATIFYING AUTHORIZATION OF THE RELEASE OF A REQUEST FOR QUALIFICATIONS FOR POTENTIAL DESIGN-BUILD ENTITIES

WHEREAS, on June 14, 2016, the City published a Request for Qualifications/ Request for Proposals (the "RFQ/RFP") seeking proposals from interested and qualified developers for the New City Hall Project in which the City received four (4) proposals;

WHEREAS, based on the proposals, presentations, interviews, references, and the recommendations of staff, the City Council determined that the proposal submitted by Capital Partners Development Company, LLC ("Capital Partners"), dated July 5, 2016, offered the best value to the public for the design and construction of the New City Hall;

WHEREAS, based on the City Council determinations made during the RFQ/RFP process, the City Council authorized the City Manager to negotiate an agreement with Capital Partners providing for Capital Partners to (a) purchase the current City Hall Site ("Civic Center Site"), (b) construct a New City Hall on Plaza San Pablo, and (c) following completion of the New City Hall and relocation of City Hall operations thereto, redevelop or facilitate the redevelopment of the Civic Center Site. This authorization to the City Manager was set forth in Resolution 2016-290, adopted by the City Council on September 19, 2016;

WHEREAS, City staff and Capital Partners negotiated diligently and in good faith to prepare two (2) agreements to implement the New City Hall Project: (1) an agreement for the purchase and sale of the Civic Center Site (the "PSA"); and (2) an agreement for Capital Partners to construct a New City Hall on Plaza San Pablo;

WHEREAS, on June 19, 2017, City Council adopted Resolution 2017-126 approving the Purchase and Sale Agreement between the City and Capital Partners, which included the condition to construct the New City Hall. The PSA was executed on August 3, 2017;

WHEREAS, on October 5, 2017, the City received a memorandum from Capital Partners requesting the termination of the PSA. Capital Partners citing increasing construction costs and its inability to deliver the New City Hall building within the City's budget as the primary reason for the request;

WHEREAS, as part of the termination, Capital Partners has agreed to assign any and all rights it has to the plans and reports developed to date in relation to the New City Hall;

WHEREAS, the proposed resolution authorizes the execution of the attached Termination Agreement for Purchase and Sale of Real Property ("Termination Agreement") which effectuates the termination of the PSA; and

WHEREAS, the proposed resolution authorizes staff to begin the Design-Build process pursuant to California Public Contract Code section 22160 *et seq.* for the construction of the New City Hall Building and ratifies authorization for the release of a Request for Qualifications from potential Design-Build entities that was sent out on October 5, 2017.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Pablo that the foregoing recitations are true and correct, and are incorporated herein by reference as findings;

BE IT FURTHER RESOLVED that the City Council approves and authorizes the City Manager to execute a Termination Agreement for Purchase and Sale of Real Property by and between the City of San Pablo and Capital Partners in substantially the form of Exhibit A hereto, and to make such changes or additions thereto with the concurrence of the City Manager and City Attorney as are necessary or appropriate and which do not substantially alter the rights and obligations of the City thereunder.

BE IT FURTHER RESOLVED that the City Council authorizes staff to begin the Design-Build process pursuant to California Public Contract Code section 22160 *et seq.* for the construction of the New City Hall.

BE IT FURTHER RESOLVED that the City Council ratifies authorization for the release of a Request for Qualifications from potential Design-Build entities that was sent out on October 5, 2017.

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ADOPTED this 16th day of October, 2017, by the following vote:

AYES:	COUNCILMEMBERS:	Cruz, Kinney, Morris, Calloway and Valdez
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:	APPROVED:
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/s/ Elizabeth Pabon-Alvarado
Elizabeth Pabon-Alvarado, City Clerk

/s/ Cecilia Valdez
Cecilia Valdez, Mayor