

ORDINANCE NO. 1814 N.C. (2d)

**ESTABLISHING THE WATERFRONT HISTORY
PARK PROJECT FUND**

WHEREAS, on December 8, 2015, the City Council adopted Resolution No. 15-139 N.C. resolving its intention to amend the FY 2015-16 General Fund Budget authorizing the implementation of "Waterfront History Arts Park" Project; and

WHEREAS, this Project will transform the barren dirt lot, south of the Ferry Terminal Building, and bring consistency to the entire publically accessible waterfront area from Service Club Park to the north, to Independence Park to the south; and

WHEREAS, renovations implemented will strive to increase tourism and recreation on the Vallejo Waterfront; and

WHEREAS, the Project will provide an interactive and accessible outdoor space; and

WHEREAS, on December 8, 2016, the Design Review Board approved Resolution No. #DRB 16-01, a Unit Plan application , proposed by artist Mario Chiodo and architect Christopher Ken, and finding consistency with the general plan; and

WHEREAS, the Unit Plan is consistent with the 2007 Vallejo Waterfront Planned Development Master Plan and Design Guidelines (PDMP); and

WHEREAS, the conditions placed on approval by the design review board are applicable and required for the Unit Plan to comply with permitted uses and the 2007 Vallejo Waterfront PDMP; and

WHEREAS, the Public feedback and input to the Unit Plan was solicited in multiple venues, and through different mediums, between September 2016 and December 2016, providing the community members, residents, stakeholders and the public an opportunity to participate in the process; and

WHEREAS, on December 20, 2016 Mario Chiodo committed to raising the funds necessary to implement the Unit Plan; and

WHEREAS, on October 24, 2017, the City Council amended Tier One City Council priorities to add a Waterfront Fitness Project and allocated partial funding for a Sports Court component to be incorporated into the Unit Plan, and such is now incorporated as part of the Project ; and

WHEREAS, the State has experienced several devastating natural disasters which has created delays in Mario Chiodo's ability to raise the funds necessary for implementation of the Project; and

WHEREAS, the City Council and community desires to see progress on this project to fully utilize and make accessible the waterfront area; and

WHEREAS, in accordance with Internal Revenue Service Publication 526 (2018) federal, state and local governments may receive charitable contributions; and

WHEREAS, establishing a Project within the City's Capital Improvement Program will facilitate

a process and reporting mechanism to allow charitable contributions, grant funding, and other revenues to be invested into the Project;

NOW THEREFORE THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. A new Chapter 3.61 is added to the Vallejo Municipal Code to read as follows:

"3.61.010 Waterfront History Park Project Fund Created

There is hereby created pursuant to Section 713 of the charter of the city of Vallejo an inviolate special trust fund to be known and referred to as the "Waterfront History Park Project Fund" into which shall be deposited all monies allocated by city council. Donations made payable to said fund and any moneys budgeted by the city council to supplement the proceeds shall likewise be deposited in the fund. Nothing herein shall preclude the establishment of a non-city fund or funds separately administered for the purpose of perpetuating the Waterfront History Park Project Fund.

3.61.020 Use of funds

Moneys deposited into the Waterfront History Park Project Fund, including interest earned thereon, shall be dedicated solely for the planning, development, and construction of the Waterfront History Park Project, and any other purposes consistent with the spirit of the project, including building capital, maintenance and operating reserves, developing marketing materials and strategies, development of design and construction plans, city staffing costs, improved city services, accessibility, securing professional consulting and contracting assistance, implementation of public safety through environmental design strategies, or other activities as long as they further the goals of the Waterfront History Park Project as determined by the city manager.

3.61.030 Administration of fund

The Finance Director is authorized to develop and maintain procedures to receive charitable contributions and implement the Waterfront History Park Project Fund consistent with city policy as expressed by this ordinance and according to generally accepted accounting principles. City council shall be notified of changes to the operation of the fund."

SECTION 2. Severability

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact one or more provisions may be declared invalid.

SECTION 3. Effective Date.

This Ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage.

First read at a regular meeting of the Council of the City of Vallejo held on the 28th day of May 2019 and finally adopted at a regular meeting of the Council of the City of Vallejo on the 11th day of June 2019 by the following vote:

AYES: Mayor Sampayan, Vice Mayor Dew, Councilmembers Brown, McConnell,
 Miessner, Sunga, and Verder-Aliga
NOES: None
ABSENT: None
ABSTAIN: None



BOB SAMPAYAN, MAYOR

ATTEST:



DAWN G. ABRAHAMSON, CITY CLERK