

RESOLUTION NO. 2009-735

Adopted by the Sacramento City Council

November 24, 2009

APPROVING PRIVATE UTILITIES SERVICE AGREEMENT WITH S. THOMAS ENTERPRISES OF SACRAMENTO, LLC

BACKGROUND

- A. In December of 2006, the City purchased the Sacramento Valley Station property, which includes the Depot building used for Amtrak's operations. This property was previously owned by the Southern Pacific and Union Pacific Railroads as part of a larger 240 acre parcel of land.
- B. The utility services to the Depot building and to the Central Shops buildings owned by S. Thomas Enterprises of Sacramento, LLC (Thomas) are connected by pipelines which traverse the City's Station property. There is only one meter for electric service located at the Central Shops and one meter for water service located at the Depot, and these meters track the combined utility usages. Thomas previously conducted an audit of the electric use and determined that the Depot's share is 73%. City has paid Thomas for the Depot electric use under prior action of the City Council (Resolution No. 2009-365) and thereafter City has been paying the same proportionate share of the SMUD bill. City staff has estimated the quantity of water used by Thomas and the Private Utilities Services Agreement establishes Thomas' obligation to pay its proportionate share of the City's water and sewer costs.
- C. The Track Relocation Project includes relocating the existing utilities serving the Depot and Central Shops, some of which will be located into public utility easements and some will remain as private utilities. The Private Utilities Services Agreement addresses the City's obligation to insure that the private utilities will remain in place on the Station property to serve the Central Shops until Thomas constructs new service extensions when Camille Lane is constructed.
- D. To maintain service to the Depot during the Track Relocation Project, the City is also undertaking work to install new electric service and meter and a new separate water line and meter for the Depot building. Thereafter, each party's actual utility usage of such utilities will be metered and invoiced per the terms of the Private Utilities Services Agreement.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Manager is authorized to execute the Private Utilities Service Agreement with S. Thomas Enterprises of Sacramento, LLC to provide for continued utility services to the Depot and Central Shops buildings and to address payment of each party's respective share for utility services.

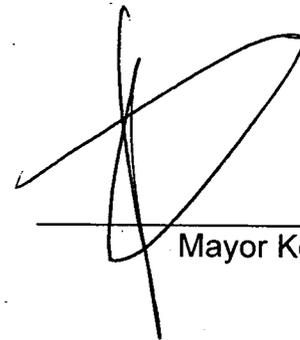
Adopted by the City of Sacramento City Council on November 24, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk