

RESOLUTION NO. 2006-918

Adopted by the Sacramento City Council

December 12, 2006

APPROVING STANDARD-FORM AGREEMENTS FOR IMPLEMENTING THE NORTH NATOMAS FINANCING PLAN AND REPEALING RESOLUTION NUMBERS 2000-429 AND 2004-890

BACKGROUND

- A. On July 18, 2000, by Resolution No. 2000-429, the City Council approved nine standard-form agreements for use by the City Manager within the North Natomas Community Plan Area. Resolution No. 2000-429 also authorized the City Manager (1) to execute the standard-form agreements for specific projects upon approval as to form by the City Attorney and (2) to make minor non-substantive changes in the standard-form agreements, with the approval of the City Attorney, when required for specific development projects. On November 23, 2004, by Resolution No. 2004-890, the City Council amended Resolution No. 2000-429 by adding a tenth standard-form agreement. Subsequently, the City Attorney's Office revised the format of, and corrected assorted non-substantive errors in, several of the standard-form agreements.
- B. Among the approved standard-form agreements are the "Non-gateway Project Reimbursement/Credit Agreement for Construction of North Natomas Infrastructure," the "Gateway Project Reimbursement/Credit Agreement for Construction of North Natomas Infrastructure," and the "Public Safety Project Reimbursement/Credit Agreement for Construction of North Natomas Infrastructure." Under these three agreements, a landowner can elect to construct elements of North Natomas infrastructure in return for the City's promise to reimburse the landowner's actual construction costs from two sources: revenues from North Natomas development fees, or credits against North Natomas development fees the landowner would otherwise have to pay when receiving building permits for development of its property. The agreements also provide that fee credits will not be issued until the improvements have been constructed and conveyed to the City. This limitation poses few problems when a landowner doesn't intend to develop its property until after completion of the improvements. Sometimes, however, a landowner desires to develop before the improvements are completed, and if the landowner has no other projects on which to apply fee credits, this limitation greatly reduces the value of the credits to the landowner.
- C. To accommodate landowners who desire to receive fee credits before construction of the improvements is completed, the City Council believes that it is in the public interest to amend the three agreements identified in Paragraph B

above by adding (1) a provision that authorizes the issuance of fee credits before the landowner completes the improvements, so long as certain conditions are met; and (2) a provision obligating the landowner to competitively bid all contracts for construction of infrastructure and to require payment of prevailing wages.

- D. The City Council further believes, in the interest of administrative efficiency, that the standard-form contracts still needed to implement the North Natomas Financing Plan be re-adopted (with the non-substantive revisions made by the City Attorney's Office and the amendments described in Paragraph C) and that Resolution Numbers 2000-429 and 2004-890 be repealed.

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

Section 1: The City Council finds that the statements in the Background are true and adopts them as findings.

Section 2: The standard-form agreements listed below and attached to this resolution are approved for use on specific projects within the North Natomas Community Plan area:

1. Non-Gateway Project Reimbursement and Credit Agreement for Construction of North Natomas Infrastructure
2. Gateway Project Reimbursement and Credit Agreement for Construction of North Natomas Infrastructure
3. Public Safety Project Reimbursement and Credit Agreement for Construction of North Natomas Infrastructure
4. Acquisition and Shortfall Agreement (for CFD's)
5. Agreement for Construction of Drainage Improvements
6. Reimbursement and Credit Agreement North Natomas Land Acquisition Program
7. Reimbursement/Credit Agreement Relating to Design and Construction of Park Improvements
8. Agreement to Pay Fees and Costs (one Landowner)
9. Agreement to Pay Fees and Costs (two or more Landowners)
10. Credit Agreement for Construction of Water Facilities
11. Agreement for Reimbursement for Overwidth Pavement Construction

Section 3: The City Manager is authorized to sign the standard-form agreements identified in Section 2 above for specific projects within the North Natomas Community Plan area upon approval for legal form by the City Attorney's Office.

Section 4: The City Manager is authorized, with the approval of the City Attorney's Office, to make minor non-substantive changes to the standard-form agreements identified in Section 2 above when required for specific development projects. The City Council's approval is required for all major or substantive changes. The City Manager may, in his discretion, bring any individual standard-form agreement to the City Council for approval.

Section 5: Resolution Numbers 2000-429 and 2004-890 are repealed.

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Exhibits

A	Non-Gateway Project Reimbursement/Credit Agreement for Construction of North Natomas Infrastructure with Optional Advance Issuance of Credits	Pg 10
B	Gateway Project Reimbursement/Credit Agreement for Construction of North Natomas Infrastructure with Optional Advance Issuance of Credits	Pg 41
C	Public Safety Project Reimbursement/Credit Agreement for Construction of North Natomas Infrastructure with Optional Advance Issuance of Credits	Pg 72
D	Acquisition and Shortfall Agreement (for CFD's)	Pg 103
E	Agreement for Construction of Drainage Improvements	Pg 134
F	Reimbursement and Credit Agreement North Natomas Land Acquisition Program	Pg 159
G	Reimbursement/Credit Agreement Relating to Design and Construction of Park Improvements	Pg 178
H	Agreement to Pay Fees and Costs (one Landowner)	Pg 211
I	Agreement to Pay Fees and Costs (two or more Landowners)	Pg 217
J	Credit Agreement for Construction of Water Facilities	Pg 224
K	Agreement for Reimbursement for Overwidth Pavement Construction	Pg 241

Adopted by the City of Sacramento City Council on December 12, 2006 by the following vote:

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

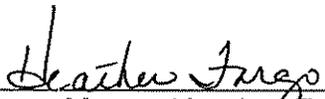
Noes: None.

Abstain: None.

Absent: None.

Attest

Shirley Corcolino, City Clerk



Mayor, Heather Fargo