

RESOLUTION NO. 2006-843

Adopted by the Sacramento City Council

November 21, 2006

WAIVER OF NON-COMPLIANCE, APPROVAL OF COSTS FOR THE CONSTRUCTION OF CUCAMONGA AVENUE, AUTHORIZATION FOR THE RELEASE OF BOND PROCEEDS, RELATED FINANCIAL TRANSACTIONS

BACKGROUND

- A. In 2001, the City formed the Granite Park Community Facility District (CFD) for the purpose of funding infrastructure improvements in, and within the vicinity of, Granite Regional Park.
- B. The City issued bonds to fund the improvements, including the construction of the Cucamonga Avenue extension.
- C. The developer of Granite Regional Park, Phase One Regional Park Limited, entered into City Agreement 2001-078, under which it agreed to construct, for the City's acquisition, an extension of Cucamonga Avenue.
- D. The developer did not follow formal competitive-bidding procedures when it awarded contracts for the work, as required by sections 2.0, 3.0, and 4.0 in Exhibit B to City Agreement No. 2001-078.
- E. No legal impediment to payment exists if the City Council waives the breach.
- F. Performance on the contract was not otherwise deficient. The work was done in accordance with the applicable standards and specifications. The cost to extend Cucamonga Avenue was reasonable, as verified by a third party consultant to the City. The developer further represents, in a signed Developer's Representation Regarding Bidding and Prevailing Wages on file with the City Clerk, that prevailing wage requirements were followed; that an informal bidding procedure was used, with contracts awarded to the lowest bidder; that the bidding procedures were designed to ensure that the contractors who submitted bids did not collude with each other; and that the developer is aware of no such collusion.
- G. The City Council is fully advised in this matter.

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

Section 1. The statements in paragraphs A through G of the Background are true.

Section 2. The failure of Phase One Regional Park Limited to use formal competitive-bidding procedures when awarding contracts for the extension of Cucamonga Avenue, as required by City Agreement 2001-078, is waived.

Section 3. Costs in the amount of \$1,010,169 are approved for the extension of Cucamonga Avenue.

Section 4. The City Manager is authorized to release, to Phase One Regional Park Limited, \$877,920 in remaining bond proceeds and accrued interest as full compensation to Phase One Regional Park Limited for the construction of Cucamonga Avenue.

Section 5. The City Manager is authorized to adjust the accounts of the capital project for Cucamonga Avenue (53AD) by adding \$158,920 to the project from accrued interest on the bonds, for a total project appropriation of \$877,920.

Adopted by the City of Sacramento City Council on November 21, 2006 by the following vote:

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

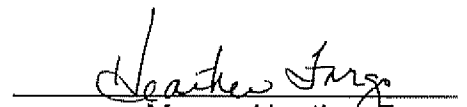
Noes: None

Abstain: None.

Absent: Councilmember McCarty

Attest:

Shirley Concolino, City Clerk



Mayor, Heather Fargo