

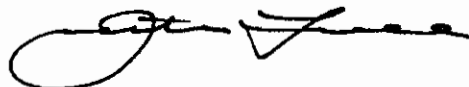


Date: September 7, 2010
To: Mayor and Members of the City Council
From: Office of the City Attorney
Subject: Revisions to Documents Relating to the Staples Ranch Project

Staff's recommendation tonight includes approval of the following modified documents, reflecting these minor changes:

Attachment 1 (D), the ordinance approving the Development Agreement, has been slightly modified, as indicated in the attached document, to reflect that the City Council is authorizing the City Manager to sign the Development Agreement. (Pursuant to the specific language set forth at section 2.01 of the Development Agreement, and agreed to by the parties, the City Manager shall only sign the Development Agreement upon certain other ordinances becoming effective.) Also, the Development Agreement and the ordinance approving it contain blanks for dates, resolution numbers, and ordinance numbers, and refer to "Ordinance No. X" and "Ordinance No. Y". All of these blanks and references will be filled in when the subject ordinance and Development Agreement are finalized.

Attachment 2, the resolution authorizing the City Manager to sign various agreements, has been revised to reflect that the Mayor is being authorized to sign these documents. Having the Mayor sign will ensure conformity with Government Code requirements.



Jonathan P. Lowell
City Attorney

Attachments

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF PLEASANTON APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PLEASANTON AND THE ALAMEDA COUNTY SURPLUS PROPERTY AUTHORITY REGARDING THE STAPLES RANCH PROJECT

WHEREAS, Government Code Sections 65865 through 65869.5 authorize a city to enter into binding development agreements with persons having legal interests in real property for the development of such property; and

WHEREAS, the Alameda County Surplus Property Authority has applied to the City for a development agreement concerning the Staples Ranch Project; and

WHEREAS, for the Staples Ranch Project, on February 25, 2009 the City of Pleasanton certified an Environmental Impact Report as complete and adequate and in compliance with the California Environmental Quality Act (CEQA) and on August 24, 2010 the City of Pleasanton certified an Environmental Impact Report Supplement as complete and adequate and in compliance with CEQA; and

WHEREAS, in connection with this application for a development agreement, the City of Pleasanton conducted a duly noticed public hearing on _____, 2010; and

WHEREAS, the City Council finds that the proposed development agreement is consistent with the City's General Plan, the Stoneridge Drive Specific Plan Amendment/Staples Ranch (as adopted on August 24, 2010) and the City's zoning ordinance; and

WHEREAS, the City Council finds and determines that it would not approve this development agreement unless the Stoneridge Drive Specific Plan Amendment/Staples Ranch, Ordinance No. X (approving and adopting the PUD development plan for the proposed auto mall site) and Ordinance No. Y (approving and adopting the PUD development plan for the continuing care communities site) were all in effect and therefore the "Effective Date" of this development agreement is contingent on the occurring of certain events as set forth in the development agreement itself.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Approves the Development Agreement between the City of Pleasanton and the Alameda County Surplus Property Authority, a copy of which is attached hereto and incorporated herein by this reference, and authorizes the City Manager to sign the Development Agreement.

Section 2. A summary of this ordinance shall be published once within fifteen days after its adoption in the "Valley Times", a newspaper of general circulation

published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen days in the City Clerk's office within fifteen days of its adoption.

Section 3. This ordinance shall be effective thirty days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on _____, 2010 and adopted at a regular meeting of the City Council of the City of Pleasanton on _____, 2010 by the following vote.

Ayes:
Noes:
Absent:
Abstain:

Jennifer Hosterman, Mayor

ATTEST:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Jonathan P. Lowell, City Attorney

RESOLUTION NO. 10-___

A RESOLUTION APPROVING VARIOUS AGREEMENTS IN CONNECTION WITH THE STAPLES RANCH PROJECT AND AUTHORIZING THE CITY MANAGER MAYOR TO SIGN THE AGREEMENTS

WHEREAS, the Pleasanton City Council has approved the Stoneridge Drive Specific Plan Amendment/Staples Ranch concerning the proposed annexation and development of the Staples Ranch property (“the Staples Ranch Project”); and

WHEREAS, to implement the Staples Ranch Project, City staff has negotiated a number of agreements with representatives of the Surplus Property Authority of Alameda County, Alameda County, the Hendrick Automotive Group and Continuing Life Communities Pleasanton, namely an Agreement for the Purchase and Sale of Real Property (concerning the Neighborhood Park/Detention Basin), a Funding and Improvement Agreement for the Neighborhood Park/Detention Basin, a Growth Management Agreement, an Agreement Concerning Independent Living Units, and an Agreement regarding the transfer of property tax revenues; and

WHEREAS, the City Council finds that it is in the best interest of the City to enter into these agreements in order to carry out the Staples Ranch Project.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:

SECTION 1. It ~~is~~ Approves the agreements referenced ~~below in the second~~ “Whereas” and authorizes the Mayor City Manager to sign the agreements when approved as to final form by the City Attorney:

- Agreement for the Purchase and Sale of Real Property,

Funding and Improvement Agreement for the Neighborhood Park/Detention Basin,

Growth Management Agreement,

Agreement Concerning Independent Living Units, and

Agreement Regarding the Transfer of Property Tax Revenues.

SECTION 2. This resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on , by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Jonathan P. Lowell, City Attorney