

RESOLUTION NO. 2012-33

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK
APPROVING A SECOND AMENDED AND RESTATED DEFERRED PAYMENT PLAN
AGREEMENT FOR SEWER CAPACITY CHARGES FOR SEASONS PIZZERIA
SPORTS BAR GRILL (563 ROHNERT PARK EXPRESSWAY WEST)**

WHEREAS, the City Council of the City of Rohnert Park ("City") wishes to support economic development;

WHEREAS, in an effort to achieve the desired goal of economic development, the City Council has adopted Resolution No. 2010-89 approving an Economic Development / Job Creation Program;

WHEREAS, the approved Economic Development / Job Creation Program includes provisions for the City to "be a creative partner" to overcome obstacles or hindrances to the use of land for economic benefit in Rohnert Park;

WHEREAS, Taste Tee LLC, dba Seasons Pizzeria Sports Bar Grill ("Developer") requested a deferral of a percentage of its Sewer Capacity Charges on the condition of entering into a Deferred Payment Plan Agreement with the City;

WHEREAS, City and Developer entered into that certain Deferred Sewer Capacity Charge Payment Plan Agreement on October 13, 2010 ("Original Agreement"), which satisfied the purpose and intent of Chapter 13.40 of the Rohnert Park Municipal Code;

WHEREAS, on May 5, 2011, City and Developer desired to amend the Original Agreement and entered into an Amended and Restated Deferred Sewer Capacity Charge Payment Plan Agreement; and

WHEREAS, City and Developer now mutually desire to amend the First Amended Agreement to accomplish the following:

1. Change the term of the First Amended Agreement from five to four years;
2. Change the sewer capacity from 1,600 gallons per day to 800 gallons per day with a corresponding Sewer Capacity Charge of Forty-Three Thousand Two Hundred Dollars and Zero Cents (\$43,200.00).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROHNERT PARK AS FOLLOWS:

Section 1. The above recitations are true and correct.

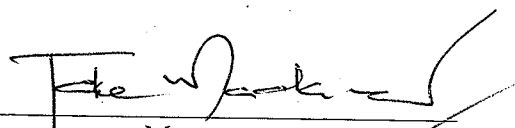
Section 2. Environmental Clearance. The adoption of this Resolution and accompanying Amended and Restated Deferred Sewer Capacity Charge Payment Plan Agreement is exempt from review under the California Environmental Quality Act because the activity in question is not a project as defined under CEQA Guidelines Section 15378 in that

there is no potential that the activity will result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

Section 3. The City Manager is hereby authorized and directed to take all actions to effectuate the Second Amended and Restated Deferred Sewer Capacity Charge Payment Plan Agreement for and on behalf of the City of Rohnert Park, including execution if necessary, in substantially similar form to the agreement attached hereto as Exhibit "A," subject to minor modifications by the City Attorney.


DULY AND REGULARLY ADOPTED this 27th day of March, 2012.

CITY OF ROHNERT PARK



Mayor

ATTEST:



City Clerk



AHANOTU: <u>AYE</u>	BELFORTE: <u>AYE</u>	CALLINAN: <u>AYE</u>	STAFFORD: <u>ABSENT</u>	MACKENZIE: <u>AYE</u>
AYES: (4)	NOES: (0)	ABSENT: (1)	ABSTAIN: (0)	