



COUNCIL RESOLUTION NO. 2011-35  
REDEVELOPMENT AGENCY RESOLUTION NO. 1780

A JOINT RESOLUTION OF THE COUNCIL AND THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO MAKING CERTAIN FINDINGS PURSUANT TO SECTION 33445 OF THE COMMUNITY REDEVELOPMENT LAW, AND AUTHORIZING THE AGENCY'S EXPENDITURE OF TAX INCREMENT TO INSTALL AND CONSTRUCT PUBLIC IMPROVEMENTS IN THE CENTRAL CITY COMMERCIAL REVITALIZATION REDEVELOPMENT PROJECT AREA.

WHEREAS, the Council of the City of Fresno (the "Council"), on June 19, 1999, by Ordinance No. 99-46, adopted the redevelopment plan (the "Plan") for the Central City Commercial Revitalization Redevelopment Project Area (as amended) (the "Project Area") pursuant to the Community Redevelopment Law of California (Health & Safety Code Sections 33000 *et. seq.*) (the "Law"); and

WHEREAS, the Redevelopment Agency of the City of Fresno (the "Agency") is engaged in activities necessary to carry out the Plan, and the Plan authorizes the Agency to: (i) install, construct or reconstruct public improvements or facilities to eliminate blight, and (ii) cause or provide for installing or constructing utilities and other public improvements necessary to carry out the Plan, and

WHEREAS, on March 3, 2011, the Agency adopted Resolution 1776, approving the Five-Year Implementation Plan for the Project Areas (the "Implementation Plans"); and

Adopted 3-3-11  
Approved 3-3-11  
Effective 3-3-11

2011-35/1780



WHEREAS, the Implementation Plans, to help eliminate physical and economic blighting influences, include a redevelopment program to facilitate private reinvestment in the Project Area by installing public improvements in the Project Area; and

WHEREAS, the proposed public improvements within the proposed project are located within the Project Area and include paving, curbs, gutters, sidewalks, storm water systems, sewer system enhancements (the "Project"); and

WHEREAS, the Project will improve the visual quality of the street corridors, improve traffic flow and increase pedestrian safety, all of which is intended to encourage and support the retention and expansion of existing businesses and the attraction and development of new businesses within the Project Area; and

WHEREAS, Mathews Harley-Davidson, Inc., has committed to remain and expand their existing Harley Davidson motorcycle dealership within the Project Area, thereby investing in new construction, rehabilitating old buildings, adding employees and contributing to the elimination of blight in the area; and

WHEREAS, the inability of the City to undertake this Project without the involvement of the Agency relates to the limited funding ability of the City's General Fund, and to the City's budget constraints interrelated with the State budget constraints; and

WHEREAS, on February 23, 2011, the Housing and Community Development Commission ("HCDC") considered whether to recommend this resolution, and voted unanimously to recommend this item; and



WHEREAS, Agency staff has assessed the Project in connection with the Final Environmental Impact Report prepared for the Project Area, and has further determined that because the proposed public improvements consist of repair and maintenance of existing public structures, rehabilitation of deteriorated or damaged public infrastructure, limited new construction, and minor alterations to the land from potential grading, trenching and backfilling, the proposed program of public improvements is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15301 (Existing Facilities), Section 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land) of the CEQA Guidelines; and

WHEREAS, Agency funds are currently available for the Project; and

WHEREAS, pursuant to Section 33445 of the Redevelopment Law the Agency, with the consent of the Council and upon certain Council determinations, may pay for the cost to install and construct publicly owned improvements within or contiguous to the Project Area; and

WHEREAS, the Agency and Council, after due consideration, believe that the use of Agency funds to install and construct the Project, is in the best interests of the City and health, safety, and welfare of employees, businesses, property, and visitors to the Project Area, and is consistent with the public purposes and provisions of applicable state and local laws; will improve the quality of life for residents, visitors to, and businesses and properties within the Project Area, consistent with the Plan; will be of benefit to the Project Area by helping to eliminate blight within the Project Area, through encouraging



investment in the Project Area, expansion of existing commercial businesses located within the Project Area, and resulting job creation; provides the only reasonable means of financing the Project; and is consistent with the Implementation Plan adopted pursuant to Health and Safety Code Section 33490.

**NOW, THEREFORE, BE IT RESOLVED** by the Council and the Redevelopment Agency of the City of Fresno as follows:

1. The Council and the Agency find and determine the following:

**Finding No. 1.1:** The Project is within or contiguous to the Project Area and will benefit the Project Area by helping to eliminate blight within the Project Area, in that the Project will help improve public safety and the visual and physical quality of the Project Area, will induce investment in and expansion of an existing commercial company within the Project Area, and will result in additional job creation.

**Finding No. 1.2:** The Agency's payment of funds to reimburse costs of the Project is consistent with the Plan and the Implementation Plan for the Project Area.

**Finding No. 1.3:** Using tax increment for the Project is essential and necessary, as no other reasonable means of financing the Project are available to the community, including the City of Fresno.

**Finding No. 1.4:** The Project is categorically exempt from the California Environmental Quality Act ("CEQA"), pursuant to Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land) of the CEQA Guidelines.

2. The Council consents to the Agency expending up to \$185,000 of Agency funds, including tax increment from the Central City Commercial Revitalization



Redevelopment Project Area, over the next five years to reimburse the cost of installing and constructing the Project, and consents to the Agency entering into a Memorandum of Understanding with Mathews Harley-Davidson, Inc. (or its affiliate), providing for Agency reimbursement of Project expenses in return for Company investment in the Project Area.

3. The Council and the Agency authorize the Executive Director of the Agency to enter into a Memorandum of Understanding with Mathews Harley-Davidson, Inc. (or its affiliate), providing for Agency reimbursement of Project expenses in return for Company investment in the Project Area, and to take all other actions necessary to effectuate the Memorandum of Understanding, consistent with the terms of this Resolution.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF FRESNO )  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno and Ex-Officio Clerk of the Redevelopment Agency of the City of Fresno, certify that the City Council of the City of Fresno and the Redevelopment Agency of the City of Fresno, California, adopted the foregoing resolution at a joint public meeting held on the 3rd day of March, 2011, and that the same was passed by the following vote:

AYES: Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand  
NOES: None  
ABSENT: None  
ABSTAIN: None

REBECCA E. KLISCH  
City Clerk and Ex-Officio Clerk  
of the Agency

By Rebecca E. Klisch  
Deputy

APPROVED AS TO FORM:  
JAMES C. SANCHEZ  
City Attorney and Ex-Officio Attorney  
to the Agency

By Mark Gleason  
Mark Gleason, Deputy