



COUNCIL RESOLUTION NO. 2009-216  
REDEVELOPMENT AGENCY RESOLUTION NO. 1748

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 PUBLIC IMPROVEMENTS WITHIN THE AIRPORT AREA REVITALIZATION PROJECT AREA FOR MEDIAN ISLAND INSTALLATION AT CLOVIS AVENUE FROM MCKINLEY AVENUE TO THE ENTRANCE OF HIGHWAY 180.

WHEREAS, the urban renewal plan (the "Redevelopment Plan") for the Airport Area Revitalization Project Area, a redevelopment project area (the "Project Area") and all amendments thereto have been dully adopted; and

WHEREAS, on June 29, 1999, the Council of the City of Fresno (the "Council") by Ordinance No. 99-44, adopted the redevelopment plan (the "Plan") for 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 execute and carry out the Redevelopment Plan for the Project Area and the Plan authorizes the Agency to: (i) install, construct or reconstruct public improvements or facilities to eliminate blight, (ii) cause or provide for installing or constructing utilities and other public improvements necessary to carry out the Plan, and (iii) specifically includes street median improvements associated with plan implementation; and

WHEREAS, on May 25, 1999, the Agency adopted Resolution 1538, approving the Report to Council for the Project Area, that contained a Five-Year Implementation

Adopted \_\_\_\_\_  
Approved 10/22/09  
Effective \_\_\_\_\_

2009-216/1748



Plan for the Project Area (the "Implementation Plan"); and

WHEREAS, June 29, 1999, by Council Resolution No. 99-195 and Agency Resolution No. 1545, relating to the Plan, Council adopted a Program Environmental Impact Report that addressed, among other things, the development of new public improvements pursuant to the Plan, and demolition of existing improvements; and

WHEREAS, the proposed project provides for installing median islands along Clovis Avenue (the "Project"); and

WHEREAS, the inability of the City of Fresno (the "City") to undertake this Project without the involvement of the Agency relates to the limited funding ability of the City's General Fund, to the City's budget constraints, which are in part interrelated with the State budget constraints, and scarce City funds,

WHEREAS, October 14, 2009, in a regularly noticed meeting, the Housing and Community Development Commission ("HCDC") considered this resolution and the proposed findings relating to the Project and funding, and voted to recommend that the Council and Agency Board adopt the resolution; and

WHEREAS, in the same meeting, the HCDC considered whether to contribute Agency funds for the Project, and voted to recommend that the Agency contribute \$75,000 for installing landscaped median at Clovis Avenue from McKinley Avenue to Highway 180 entrance; and

WHEREAS, the Agency's adopted FY 2010 Budget appropriates funds to construct the Project and funds are currently available for the construction; 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 the Project Area; and

WHEREAS, the Agency and Council, after due consideration, believe that the Agency's costs estimated at \$75,000 to design the Project will enable the Project to be constructed in conjunction with approximately \$430,000 of Federal SAFETEA-LU funds which will fund the Construction and Construction Management, 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; and will improve the quality of life for residents, visitors to, and businesses and properties within the Project Area, consistent with the Plan; and

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

1. Based upon substantial evidence provided in the record before it, the Council and the Agency find and determine the following:

**Finding No. 1.1:** The Project will help improve the traffic safety in the Project Area, and benefit the Project Area.



**Finding No. 1.2:** Installing the Project will help eliminate blight within the Project Area in the immediate vicinity of the Project, and within the overall Project Area, by enhancing the area for private investment, and upgrading and improving the image of the Project Area.

**Finding No. 1.3:** The Project is consistent with the Implementation Plan.

**Finding No. 1.4:** Using tax increment for the Project is essential and necessary, as no other reasonable means of financing the Project are available to the City.

2. The Agency approves the expenditure of tax increment funds to install and construct the Project.

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Clovis Avenue Median Island Installation  
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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 22nd day of October 2009, and that the same was passed by the following vote:

AYES: Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling  
NOES: None  
ABSENT: None  
ABSTAIN: None

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

By   
Deputy

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

By   
\_\_\_\_\_  
City Attorney