ALL CELL PHONES AND ELECTRONIC DEVICES MUST BE TURNED OFF IN THE COUNCIL CHAMBERS

A G E N D A
JOINT MEETING OF
REEDLEY CITY COUNCIL,
REEDLEY REDEVELOPMENT AGENCY
AND REEDLEY HOUSING AUTHORITY

7:00 PM.

TUESDAY, JANUARY 24, 2012

Meeting Held in the Council Chambers, 845 "G" Street, Reedley, California

The Council Chambers are accessible to the physically disabled. Requests for additional accommodations for the disabled, including auxiliary aids or services, should be made one week prior to the meeting by contacting the City Clerk at 637-4200 ext. 300.

Any document that is a public record and provided to a majority of the City Council regarding an open session item on the agenda will be made available for public inspection at City Hall, in the City Clerk's office, during normal business hours. In addition, such documents may be posted on the City's website.

City of Reedley's Internet Address is www.reedley.ca.gov

Mary Fast, Mayor

Anita Betancourt, Mayor Pro Tem
Pete Chavez, Council Member
Bob Beck, Council Member
Ray Soleno, Council Member

INVOCATION - Marlin Hiett, Pastor of Reedley Mennonite Brethren Church

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC COMMENT – *Provides an opportunity for members of the public to address the City Council on items of interest to the public within the Council's jurisdiction and which are not already on the agenda this evening. It is the policy of the Council not to answer questions impromptu. Concerns or complaints will be referred to the City Manager's office. Speakers should limit their comments to not more than three (3) minutes. No more than ten (10) minutes per issue will be allowed. For items which are on the agenda this evening, members of the public will be provided an opportunity to address the Council as each item is brought up for discussion.*

NOTICE TO PUBLIC

CONSENT *AGENDA items are considered routine in nature and voted upon as one item. Under a* ***CONSENT AGENDA*** *category, a recommended course of action for each item is made. Any Council Member may remove any item from the* ***CONSENT AGENDA*** *in order to discuss and/or change the recommended Course of action, and the Council can approve the remainder of the* ***CONSENT AGENDA.*** *A Council Member's vote in favor of the* ***CONSENT AGENDA*** *is considered and recorded as a separate affirmative vote in favor of each action listed. Motions in favor of the* ***CONSENT AGENDA*** *are deemed to include a motion to waive the full reading of any ordinance on the* ***CONSENT AGENDA****. For adoption of ordinances, only those that have received a unanimous vote upon introduction are considered* ***CONSENT*** *items.*

Reedley City Council

CONSENT AGENDA

1. MINUTES OF SPECIAL CITY COUNCIL MEETING OF JANUARY 9, 2012 AND REGULAR CITY COUNCIL MEETING OF JANUARY 10, 2012.
   Staff Recommendation: Approve

ADMINISTRATIVE BUSINESS

2. RESOLUTION NO. 2012-003 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REEDLEY AUTHORIZING THE FRESNO COUNTY ECONOMIC DEVELOPMENT CORPORATION TO SUBMIT THE PHASE V ENTERPRISE ZONE EXPANSION PROPOSAL TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT - Report, discussion and/or other Council action to approve, modify, and/or take other action as appropriate. (City Manager)
   Staff Recommendation: Approve

3. RESOLUTION NO. 2012-006- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REEDLEY AUTHORIZING THE CITY MANAGER TO EXECUTE THE PURCHASE AND SALE AGREEMENTS FOR STREET RIGHT OF WAY FOR THE CITY OF REEDLEY MANNING SIDEWALKS PROJECT, FEDERAL-AID PROJECT NO. CML-5216 (030). Report, discussion and/or other Council action to approve, modify, and/or take other action as appropriate. (Engineering)
   Staff Recommendation: Approve

4. RESOLUTION NO. 2012-007 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REEDLEY AUTHORIZING CITY MANAGER TO EXECUTE A WORK ORDER AGREEMENT WITH VERIZON FOR THE OVERHEAD RELOCATION OF UTILITIES IN FRONT OF THE SPORTS PARK FOR THE CITY OF REEDLEY, DINUBA AVENUE WIDENING PROJECT - Report, discussion and/or other Council action to approve, modify, and/or take other action as appropriate. (Engineering)
   Staff Recommendation: Approve

5. APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE CONTRACT AMENDMENT NO. 1 TO CONSULTANT CONTRACT WITH PETERS ENGINEERING FOR THE CITY OF REEDLEY, FRANKWOOD RECONSTRUCTION PROJECT, PHASES 1 AND 2, FEDERAL-AID PROJECT NOs. STPL-5216(031) AND 5216(34) - Report, discussion and/or other Council action to approve, modify, and/or take other action as appropriate. (Engineering)
   Staff Recommendation: Approve

Reedley City Council, Reedley Redevelopment Agency and Reedley Housing Authority

6. CONSIDER VARIOUS ACTIONS IN CONNECTION WITH THE DISOLUTION OF THE REEDLEY REDEVELOPMENT AGENCY - Report, discussion and/or other Council action to approve, modify, and/or take other action as appropriate. (City Manager)
   Staff Recommendation: Approve

   A. RESOLUTION NO. 2012-008 OF THE CITY OF REEDLEY EXPRESSING ITS INTENT TO SERVE AS THE SUCCESSOR AGENCY TO THE REEDLEY REDEVELOPMENT AGENCY PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 34171(J) AND 34173.
   B. RESOLUTION NO. 159 OF THE REEDLEY REDEVELOPMENT AGENCY AMENDING THE ENFORCEABLE OBLIGATION PAYMENT SCHEDULE REQUIRED BY AB26X1.
   C. RESOLUTION NO. 2012-009 OF THE CITY OF REEDLEY DECLARING THAT THERE EXISTS A NEED FOR A HOUSING AUTHORITY TO FUNCTION IN THE CITY; DECLARING THAT THE MEMBERS OF THE CITY COUNCIL SHALL BE THE COMMISSIONERS OF THE REEDLEY HOUSING AUTHORITY; AND DESIGNATING THE FIRST CHAIRPERSON OF THE HOUSING AUTHORITY.
   D. RESOLUTION NO. 160 OF THE REEDLEY REDEVELOPMENT AGENCY TRANSFERRING ALL ITS ASSETS, PROPERTIES, CONTRACTS, LEASES, BOOKS AND RECORDS, BUILDINGS, AND EQUIPMENT TO THE CITY OF REEDLEY AND ALL ITS RIGHTS, POWERS, ASSETS, LIABILITIES, DUTIES, AND OBLIGATIONS ASSOCIATED WITH THE HOUSING ACTIVITIES OF THE AGENCY TO THE REEDLEY HOUSING AUTHORITY, UPON DISSOLUTION OF THE AGENCY, PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 34175(B) AND 34176(B).
   E. RESOLUTION NO. 2012-001 OF THE REEDLEY HOUSING AUTHORITY ELECTING TO RETAIN AND/OR OBTAIN THE HOUSING ASSETS AND FUNCTIONS, AND ACCEPTING AND ASSUMING ALL RIGHTS, POWERS, ASSETS, LIABILITIES, DUTIES, AND OBLIGATIONS ASSOCIATED WITH THE HOUSING ACTIVITIES OF THE REEDLEY REDEVELOPMENT AGENCY, PURSUANT TO HEALTH AND SAFETY CODE SECTION 34176.

COUNCIL REPORTS

7. REQUESTS BY COUNCIL MEMBERS FOR FUTURE AGENDA ITEMS AND/OR REPORTS OF COUNCIL MEMBER ACTIVITIES

STAFF REPORTS

8. UPDATES AND/OR REPORTS BY CITY MANAGER AND/OR STAFF MEMBERS

ADJOURNMENT

Dates to Remember:

February 14, 2012 -Regular Council Meeting – 7:00 p.m. Council Chambers
February 28, 2012- Regular Council Meeting – 7:00 p.m. Council Chambers

REEDLEY CITY COUNCIL SPECIAL MEETING – January 9, 2012

The Special Meeting of the Reedley City Council was called to order by Mayor Fast at 7:01 p.m. on Monday, January 9, 2012, in the City Hall Council Chambers, 845 "G" Street, Reedley California.

ROLL CALL

Council Members

Present: Bob Beck, Anita Betancourt, Pete Chavez, Ray Soleno, Mary Fast

Absent: None.

Present: Nicole R. Zieba, City Manager; Russ Robertson, Public Works Director; Marc Ediger, Police Lieutenant; and Sylvia Plata, Acting City Clerk.

Others

Present: Steve Heinrichs, Jason Garcia, Nicole Garcia, Julie Capistran, Ubaldo Lemus, Robert Lampa, Robert Baylon, Ron Nishinaka, Ron Hudson, and others.

PUBLIC COMMENT – None.

PUBLIC HEARING

1. RESOLUTION NO. 2012-001 – A RESOLUTION OF THE CITY COUNCIL APPROVING THE SEWER RATES AS SET FORTH IN THE SCHEDULE IN THE ATTACHED EXHIBIT "A", AND ESTABLISHING A 2.5% MAXIMUM ANNUAL INFLATIONARY INCREASE BEGINNING ON JULY 1, 2014, AND EACH JULY 1ST THEREAFTER – Report, Discussion and/or other Council action to approve, modify, and/or take other action as appropriate (Public Works)

Russ Robertson, Public Work Director recommends the approval of Resolution No. 2012-001 to increase sewer rates in order for the sewer enterprise fund to meet its debt obligation. He states that prior to tonight's meeting, staff conducted several public informational workshops to explain to the public why the sewer increase was necessary. The entire list of outreach methods that staff used is included in the staff report for Council review. Staff was diligent in its attempts to inform the public about sewer rates and why increases in the sewer rates are necessary at this time; however, the workshops were poorly attended and had very few members of the public notify staff with questions or concerns about the proposed sewer rate increases. Eight written letters of protest in regards to the proposed sewer rate increases were received.

Mr. Robertson stated that after a brief review on the reasons for sewer rate increases, he would ask Mr. Shaun Corin HDR Engineering to discuss how the sewer rate increases were calculated and established. In 2007 the WWTP was approaching 95% capacity and at that time the WWTP was upgraded and expanded from three million gallons a day to five million gallons a day. The major mechanism of funding for that project was two bonds that were issued in the amount of $27million and $1.4 million. Our annual debt service payment for those bonds is $2 million per

year. At the time of expansion a study was conducted. The study had some proposed rates, that if we went through with the expansion the rates would have to be increased as follows; 7% for fiscal year 2007-08, 7% for fiscal year 2008-09, 7% for fiscal year 2009-10, 10% for the fiscal year of 2010-2011. Only the first fiscal year 2007-08 was implemented. From that point until present Development Impact fees funds as well as available reserves have been used to fund the annual debt service payments. Our Development Impact Fee funds and our reserves have been exhausted and we have the need to increase sewer rates to adequately fund the annual debt service payment.
Mr. Shaun Corin from HDR Engineering provided Council with an overview of the sewer rate setting process. He indicated that this was similar to the presentation provided to Council several months ago and it was also presented to the public during the public outreach workshops.

PUBLIC COMMENT – Opened at 7:26 p.m.

Robert Lampa, 1315 S. Rupert, Reedley, Board Member of St. LaSalle School read a letter dated December 26, 2011, addressed to Mayor Fast from Cynthia Arroyo, School Board President on behalf of St. LaSalle Board. Public Works Director responded to a specific concern addressed in the Letter.

Peter Vaughn, 1315 E. Street, Reedley, surprised that the rates were not increased in prior years and thought it would be appropriate for the Council to make a public statement as to why these rate increases were never implemented.

Ron Hudson, 1437 N Birch, Reedley, Deputy Superintendent for KCUSD addressed Council on behalf of KCUSD, regarding the impact the sewer rate increase will have on them.

PUBLIC COMMENT – Closed at 7:36 p.m.

Mayor confirmed with City that eight (8) letters of protest were received. City Manager clarified that to Mayor's question that St. LaSalle School's letter was not included as a protest letter because it appeared that they understood our concern and their concern was about their meter sizing.

Russ Robertson, Public Works Director made some closing comments addressing some of the concerns expressed by the public.

Mayor asked for comments from Council. Council Member Soleno commented that had we permitted 5 year implementation, rates would have been a lot lower. Council Member Chavez added that although he was not on the City Council at the time he probably would have voted as Council did, base on the advice from the City Manager. There are not a lot of alternatives. We have the debt that must be paid back. City Manager states that should we not approve these rates and we continue on and we miss our bond coverage, several things happen including a negative effect on our bonding rating. It would be almost impossible for us to get any other debt in the future to do projects on. City Manager adds that a city does not want to default on a bond. She reminds Council the condition of our WWTP prior to this project, a sewer plant that was failing. It was a needed project, unfortunately the timing was poor, only because the economy dropped in 2007 and we have not seen an increase. If economy picks back and we start to see developers impact fees come back in, those fees would and it could be a slim possibility that we could see less of an increase than we have propose, should the economy start coming back at full steam.

Council made closing comments regarding the request to increase sewer rates.

Council Member Chavez moved, Council Member Soleno seconded to approve RESOLUTION NO. 2012-001 – A RESOLUTION OF THE CITY COUNCIL APPROVING THE SEWER RATES AS SET FORTH IN THE SCHEDULE IN THE ATTACHED EXHIBIT "A", AND ESTABLISHING A 2.5% MAXIMUM ANNUAL INFLATIONARY INCREASE BEGINNING ON JULY 1, 2014, AND EACH JULY 1ST THEREAFTER –

Report, Discussion and/or other Council action to approve, modify, and/or take other action as appropriate (Public Works)
Motion **carried** as follows:

AYES:	Chavez, Soleno, Beck, Betancourt, Fast
NOES:	None.
ABSENT:	None.
ABSTAIN:	None.

ADJOURMENT

Mayor Fast adjourned the Special Meeting at 7:45 p.m.

REEDLEY CITY COUNCIL MEETING – January 10, 2012

A complete audio record of the minutes is available at www.reedley.ca.gov

The regular meeting of the Reedley City Council was called to order by Mayor Fast at 7:00 p.m. on Tuesday, January 10, 2012, in the City Hall Council Chambers, 845 "G" Street, Reedley, California.

INVOCATION

The invocation was given by Ann Hudson, Associate Pastor of the Redeemers Church

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Council Member Ray Soleno

ROLL CALL

Council Members

Present: Bob Beck, Anita Betancourt, Pete Chavez, Ray Soleno, Mary Fast.

Absent: None.

Present: Nicole Zieba, City Manager; Scott Cross, City Attorney; Police Chief Garza; Jerry Isaak, Fire Chief; Russ Robertson, Public Works Director; Noe Martinez, City Engineer; Joel Glick, Community Services Director and Sylvia Plata, Acting City Clerk.

Others

Present: Steve Heinrichs, Carl Smith, Vera Smith, Andrew Shinn, Fitz Kelly, Dawn Barcellos, Valerie Pieroni, Robert Lewis, Jason Garcia, Marge Gobby, Marvin Crum, Lt Ediger, Sylvia Gonzalez, Julie Capistran, and John Ornellas.

PUBLIC COMMENT

Valerie Pieroni- Greater Reedley Chamber of Commerce – Provided information on the next session for Leadership Reedley. The topic for this session will be on Health Care. Valerie extended an invitation to Council to attend this session.

CONSENT AGENDA

1. MINUTES OF REGULAR COUNCIL MEETING OF DECEMBER 13, 2011.

2. APPROVE AMENDMENT TO THE 2011-2012 MASTER SALARY TABLE. (City Manager)

Steve Heinrichs, 479 W. Olson Ave, Reedley CA – addressed Council on the new position request for the Director of Administrative Services.

Council Member Chavez moved, Council Member Soleno seconded to accept and approve.

Motion unanimously **carried**.

ADMINISTRATIVE BUSINESS

3. BRIEFING ON THE CALIFORNIA SUPREME COURT RULING CONCERNING THE DISSOLUTION OF REDEVELOPMENT AGENCIES. (City Manager) - No Council Action Required.

City Manager provided information available on the final opinion by the Supreme Court on the legislation concerning the dissolution of Redevelopment Agencies in California. The decision was that the Redevelopment Agencies can be abolished by the Governor and Legislature and that the Governor and the Legislature do not have authority to take voluntary payments from cities in order to keep them alive. The legislation as written in AB26 & AB27 says that the Redevelopment Agencies will go away February 1, 2012. There is a legislative timeline for actions that the City must take. The City must decide whether it wants to be a Successor Agency to the RDA to help wind down the RDA's affairs. If we do nothing, the City will automatically become the Successor Agency on February 1, 2012. If we do not want to be the Successor Agency we must have a resolution in place by January 13, 2012. To be a Successor Agency means that all of the assets of the RDA, all the funds, bank accounts, deeds, land, everything will automatically transfer to the City's name. Under the legislation the City must then expeditiously disburse the property. At this time, City Manager is aware of only city that is contemplating not becoming a Successor Agency. City Manager's recommendation is that we not move forward with the resolution that says we do not want to be a Successor Agency because there is a lot of bills being introduced that would keep RDA in existence. There is emergency legislation at the State that would push back the timeline for the dissolution from February 1, 2012 to April 15, 2012. By that time, we may have new legislation that keeps RDA, but modify it or call it something different. It would deal with some of the same things that RDA deals with now.

Council Member Betancourt asked if the Family Apartments will be covered or what is the status. City Manager said that any commitments that we made, we will continue to make good on. Council approved a resolution in August, an enforceable schedule and we were to provide to the State. The listing included all the obligations that the City had committed itself to, and we approved that those were our obligations. The list was sent to the State and therefore we would be allowed to make good on those commitments and obligations.

No Action taken

4. APPROVE SOFTWARE LICENSE WITH "ECIVIS" FOR GRANT NOTIFICATION, RESEARCH, TRACKING AND REPORTING SERVICES. (City Manager)

ECIVIS is a nationwide software firm that provides services related to State, Federal and private foundations grants. The cost will be approximately a third of the cost of the former grant writing firm, California Consulting. We will get the license to use the software which has a grant research tool, so we can research any State, Federal or private foundation. It also has a grant notification tool, so we will be notified of grants that are available in whatever areas we set parameters for. City Manager provided additional benefits of the use of this software and states that she feels that this software is a good investment to make sure we stay in order on grants.

Andrew Shinn, 491 So. Reed Ave., Reedley – Asked if some of the agencies or organizations that rely on the City for funding would be able to access this grant data base as an alternate funding mechanism if the RDA goes away. City Manager stated that the City could partner together to look for grant opportunities.

Council Member Chavez moved, Council Member Beck seconded to approve.

Motion unanimously **carried**.

5. MAYOR'S NOMINATION TO FILL VACANCY ON THE COMMISSION OF AGING – Report, Discussion and/or other Council action to approve, modify, and/or take other action as appropriate. (City Manager)

City Manager states that per the bylaws for the Commission of Aging, the Mayor has the authority to appoint a representative to this agency. After review of applications, Mayor Fast nominated Vera M. Smith to the Commission replacing Ms. Lawrence with term to expire March 2014 and asks Council for the confirmation of her selection to the Commission.

Mayor Fast Chavez moved, Council Member Soleno seconded to approve.

Motion unanimously **carried.**

6. RESOLUTION NO. 2012-004 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THE CITY OF REEDLEY AUTHORIZING THE CITY MANAGER TO EXECUTE THE ADMINISTERING AGENCY-STATE PROGRAM SUPPLEMENT AGREEMENT WITH THE STATE OF CALIFORNIA FEDERAL AID PROJECT NO. CML-5216(042)- (Engineering)

City of Reedley was awarded a Congestion Mitigation and Air Quality Improvements (CMAQ) Grant of $658,000 for the purchase of three CNG fueled garbage trucks. The City recently received authorization from Federal Highway Administration to proceed with the purchase of said trucks. The staff is now ready to advertise and award a procurement contract to a qualified truck supplier for furnishing and delivery of the new garbage trucks.

Council Member Soleno moved, Council Member Beck seconded to approve RESOLUTION NO. 2012-004 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THE CITY OF REEDLEY AUTHORIZING THE CITY MANAGER TO EXECUTE THE ADMINISTERING AGENCY-STATE PROGRAM SUPPLEMENT AGREEMENT WITH THE STATE OF CALIFORNIA FEDERAL AID PROJECT NO. CML-5216(042)

Motion unanimously carried.

7. RESOLUTION NO. 2012-002 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REEDLEY ESTABLISHING DISPOSAL SERVICE RATES EFFECTIVE FEBRUARY 1, 2012, INCLUDING A 2.47% CPI INCREASE- (Public Works)

Russ Robertson, Public Works Director recommends the adoption of Resolution No. 2012-002, confirming an inflationary increase in disposal rate charges beginning February 1, 2012, per the rate increase escalator established by City Council Resolution No. 2009-032 adopted on June 16, 2009. The current 10 year rolling average of the consumer price index is 2.47%. This 2.47% is needed to cover the inflationary increases in the operations and maintenance cost such as increased fuel and transfer station cost increase.

Council Member Chavez moved, Council Member Soleno seconded to approve RESOLUTION NO. 2012-002 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REEDLEY ESTABLISHING DISPOSAL SERVICE RATES EFFECTIVE FEBRUARY 1, 2012, INCLUDING A 2.47% CPI INCREASE.

Motion unanimously carried.

8. RISK MANAGEMENT AUTHORITY – (Finance)-
   Due to staff illness this item was rescheduled

COUNCIL REPORTS

9. REQUEST BY COUNCIL MEMBERS FOR FUTURE AGENDA ITEMS AND/OR REPORTS OF COUNCIL MEMBERS ACTIVITIES

Council Member Beck

- Will be attending the Council Members Academy

Council Member Soleno

- Asked Community Services Director Joel Glick if the event on Friday was open to the public or invitation only? Mr. Glick responded that it was opened to the public.

STAFF REPORTS

10. UPDATE AND/OR REPORTS BY CITY MANAGER AND/OR STAFF MEMBERS

City Manager, Nicole R. Zieba

- Reminder to the public that City Hall would be closed on Monday, January 16, 2012 in honor of Martin Luther King, as well as our furlough day.

Community Services Director, Joel Glick

- Invites the Council and the community to the ribbon cutting at the Reedley Municipal Airport on Friday, January 13, 2012 from 11:00- 12:00. There will be a short ceremony with lunch provided by the Airport Commission.

ADJOURNMENT

Meeting adjourned at 8:55 p.m.

_____
Mary L. Fast, Mayor

ATTEST:

_____
Sylvia Plata, Acting City Clerk

REPORT TO CITY COUNCIL

MEMORANDUM

AGENDA ITEM NO: #2

COUNCIL MEETING DATE: January 24, 2012

SUBJECT:

Approve Resolution 2012-003 authorizing the Fresno County Economic Development Corporation to submit the Phase V California Enterprise Zone expansion proposal to the California Department of Housing and Community Development.

RECOMMENDATION:

It is recommended that the City Council approve Resolution 2012-003, authorizing the Economic Development Corporation (EDC) to submit the Phase V expansion proposal for the Enterprise Zone.

BACKGROUND:

The Enterprise Zone is a critical State program that provides tax incentives for new and expanding businesses in a designated Zone. The City of Reedley participates with the cities of Coalinga, Clovis, Firebaugh, Fowler, Kerman, Orange Cove, Mendota, Parlier, San Joaquin, Sanger, Selma, and the County of Fresno on the Fresno County Enterprise Zone, which is administered through the EDC. The EDC and Enterprise Zone Advisory Board are requesting that all member cities approve the submittal of a Phase V expansion proposal, which would expand the Zone in certain industrial and commercial areas of Clovis, Kingsburg, and parts of Fresno County. The proposal will be submitted to the California Department of Housing and Community Development for approval. This expansion does not impact Reedley in any way, however, as a member agency, the City of Reedley is required to provide an authorizing resolution before the proposal can be submitted.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

Approved by: _____ City Manager

Attachment(s): Resolution 2012-003

Motion:_____
Second:_____

BEFORE THE CITY COUNCIL

OF THE

CITY OF REEDLEY, STATE OF CALIFORNIA

IN THE MATTER OF AUTHORIZING THE SUBMITTAL OF PHASE V EXPANSION PROPOSAL (CITY OF CLOVIS, CITY OF KINGSBURG, COUNTY OF FRESNO) TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT	RESOLUTION 2012-003

WHEREAS, effective June 27, 2007, the County of Fresno and the cities of Firebaugh, Fowler, Kerman, Orange Cove, Mendota, Parlier, Reedley, San Joaquin, Sanger and Selma received official designation as a California Enterprise Zone by the California Department of Housing and Community Development (the "Department"); and

WHEREAS, effective January 8, 2008, the Department approved the addition of Phase I which includes commercial areas in unincorporated locations of Fresno County and Phase II which includes industrial and commercial areas from the cities of Coalinga, Huron and Kingsburg and unincorporated communities of Fresno County; and

WHEREAS, effective July 25, 2008, the Department approved the addition of Phase III which includes industrial and commercial areas from the City of Clovis; and

WHEREAS, effective September 22, 2010, the Department approved the addition of Phase IV which includes industrial and commercial areas from the City of Coalinga; and

WHEREAS, the Fresno County Enterprise Zone Advisory Board has reviewed and approved the inclusion of the requests of the City of Clovis, City of Kingsburg and the County of Fresno to expand the Fresno County Enterprise Zone (Phase V) and include as part of the Enterprise Zone industrial and commercial areas as depicted on the attached maps (Exhibits A, B and C); and

WHEREAS, basic infrastructure is available to the area that would be included in the proposed expansion area; and

WHEREAS, the Economic Development Corporation *serving* Fresno County, as the lead agency and Enterprise Zone Manager, will submit this application on behalf of all the participating cities and the County of Fresno; and

WHEREAS, the expansion of the Fresno County Enterprise Zone enhances the opportunities to increase the creation of jobs in Fresno County and improve the quality of life of its residents; and

WHEREAS, the CITY OF REEDLEY authorizes and supports job development, job creation, and economic development;

WHEREAS, the CITY OF REEDLEY agrees to provide the business incentives listed in the original Enterprise Zone application and the Memorandum of Understanding with the State of California on file with the Department;

NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL of the CITY of REEDLEY that the CITY COUNCIL approves the submittal of this Enterprise Zone expansion application (Phase V), including the attached maps with the proposed additions, to the Department by the Economic Development Corporation *serving* Fresno County.

The forgoing resolution is hereby approved this January 24, 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

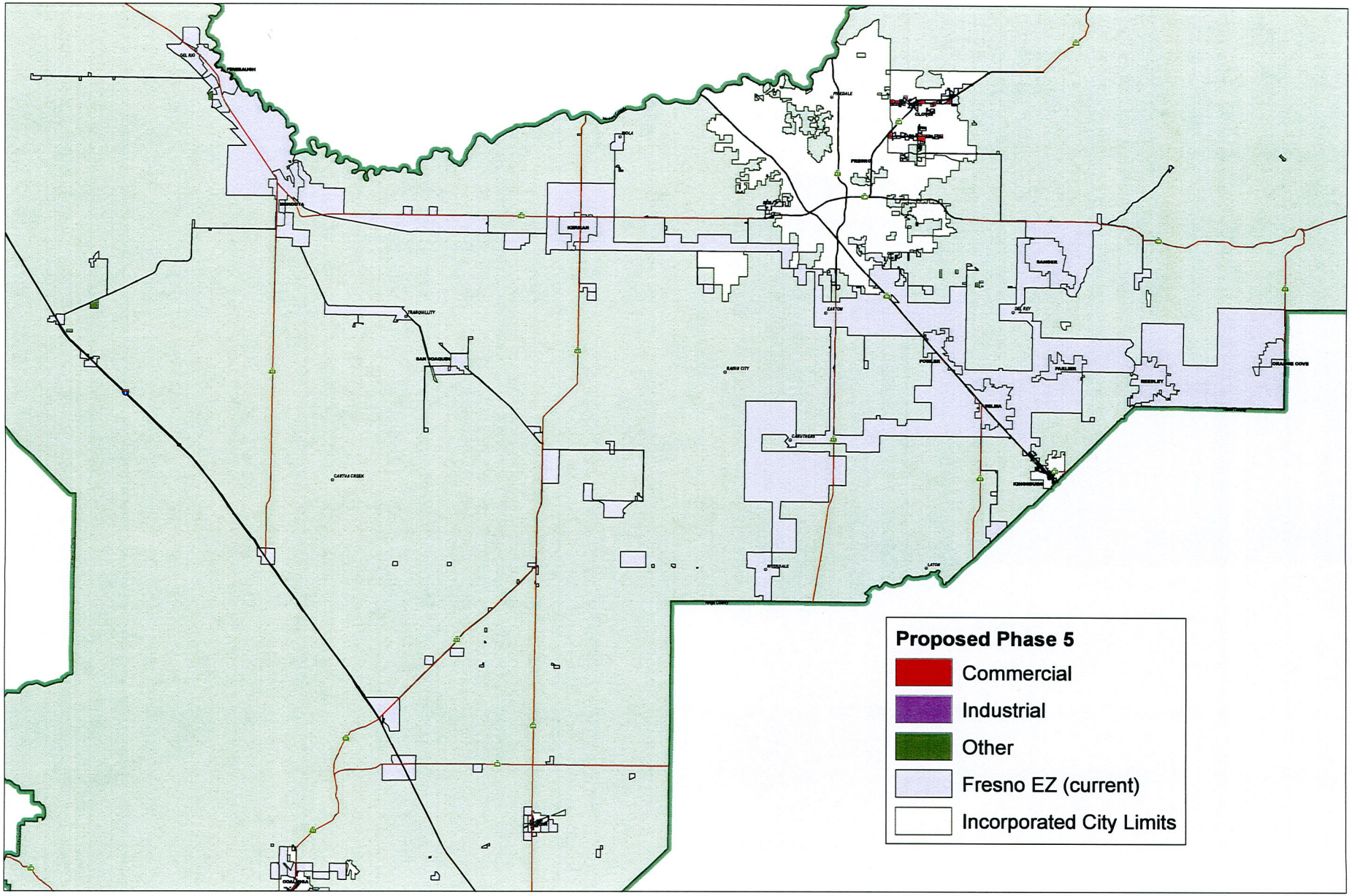
ABSENT:

_____
Mary L. Fast, Mayor

_____
Sylvia B. Plata, Acting City Clerk

Fresno Regional Enterprise Zone

Expansion #5



Public Works and Planning
Computer Data Systems

11/2011

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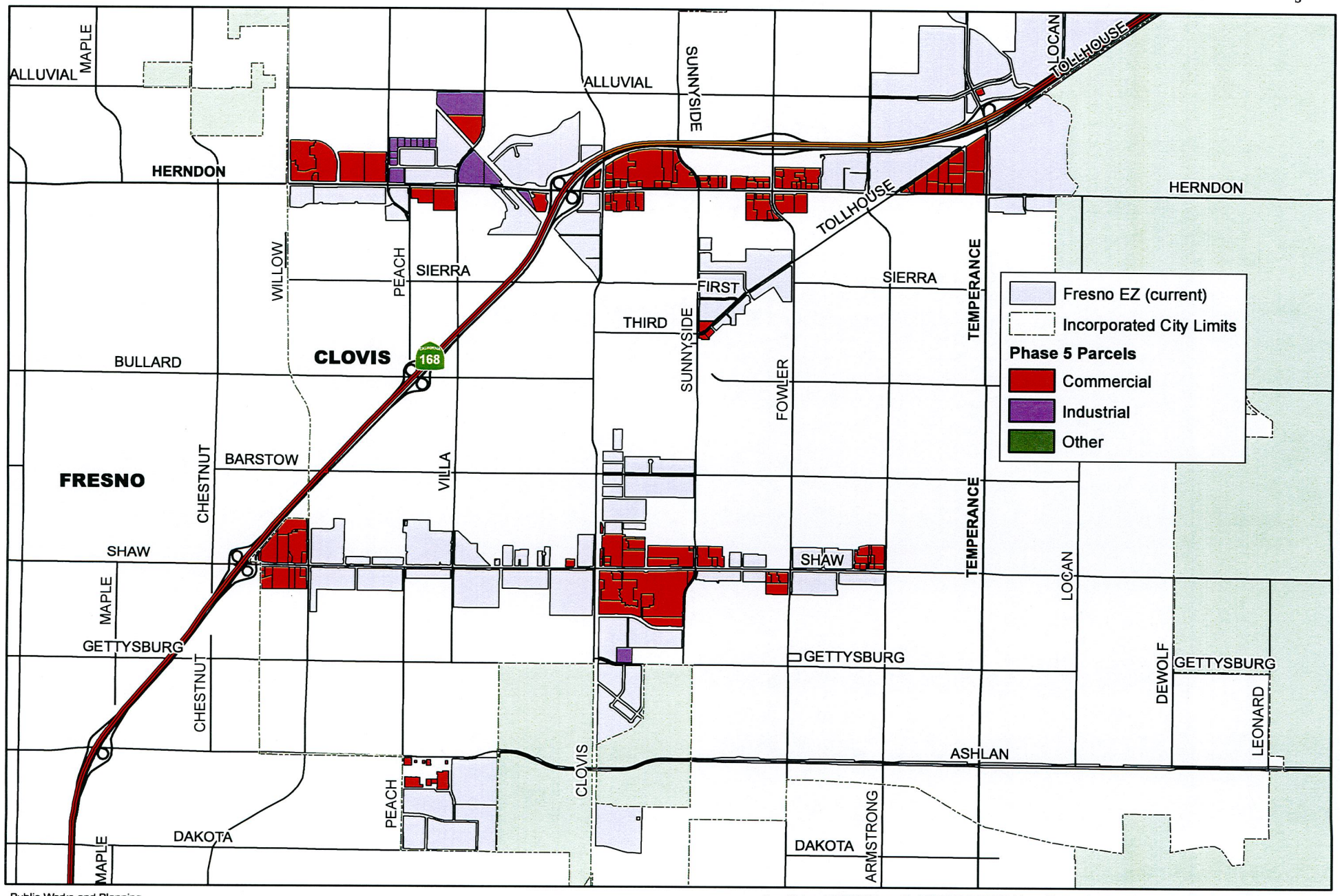
Fresno Regional Enterprise Zone

Proposed Phase 5 - Clovis



Public Works and Planning
Computer Data Systems

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REPORT TO CITY COUNCIL

MEMORANDUM

AGENDA ITEM NO: 3

COUNCIL MEETING DATE: January 24, 2012

SUBJECT:

A RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE PURCHASE & SALE AGREEMENTS FOR STREET RIGHT OF WAY FOR THE CITY OF REEDLEY MANNING SIDEWALKS PROJECT, FEDERAL-AID PROJECT NO. CML-5216 (030).

RECOMMENDATION:

Adopt Resolution No. 2012-006 authorizing the City Manager to execute the purchase & sale agreements for street right of way for the City of Reedley Manning Sidewalks Project, Federal-Aid Project No. CML-5216 (030).

BACKGROUND:

The Manning Sidewalk Project is a federally-funded project that consists of constructing new and/or retrofitting existing sidewalks along Manning Avenue between Frankwood and Buttonwillow Avenues. The project will provide new sidewalks and ramps where none exist or retrofits are needed to meet City standards and the American with Disabilities Act (ADA) requirements for those who need handicap access. The proposed sidewalk widths are five feet for residential and ten feet for commercial areas. Partial acquisition of 13 parcels is required for additional right-of-way necessary for the installation of wheelchair ramps and sidewalks.

An appraisal report has been completed for 13 affected parcels from which additional street right-of-way is required for the installation of sidewalk improvements. As required by Federal regulations for federally-funded projects, the City hired a professional consultant for Right-of-Way Agent Services to contact the affected owners of the 13 parcels and negotiate the partial acquisition price for each parcel pursuant to the completed appraisal report for this project. Grant Deeds, which include a purchase & sales agreement, will be executed and recorded for the partial acquisition from each of the 13 parcels.

City staff recommends that the City Council authorize the purchase of these partial acquisitions whose total costs amount is well below this project's budgeted

amount for right-of-way acquisition. After these documents have been executed by the affected property owners and the City, they will be delivered to Chicago Title Company and placed into escrow accounts. It is anticipated that all the necessary rights-of-ways for the project will be in the City's possession within the next few months. This would allow City staff to meet the funding deadlines for this project which is tentatively scheduled to be authorized for construction by Caltrans in July of 2012 with completion of construction shortly thereafter.

FISCAL IMPACT:

Budgeted item:	Yes
Expenditure:	$147,300.00 (Estimate Only)
Fund Acct(s):	007-4450.5430 (Capital Projects Program)
	017-4444.5430 (Measure C)

Prepared by: NM City Engineer

Approved by: City Manager

Attachment(s): Resolution No. 2012-006

Verizon Communications
1359 G St.
Reedley, CA 93654
(P) 559.637.0666
(F) 559.637.0200

December 21, 2011

Attn: Noe Martinez, City Engineer
City of Reedley
1733 Ninth Street
Reedley, CA. 93654

Re: **VZ Aerial facilities relocated along Dinuba Ave at Sports Park. WO 0514-8P0A0BB**

The **estimated** cost of the work you have requested from Verizon California Inc. is **$ 64,840.00** This figure is less the **$ 500.00** Engineering Study fee but as stated, this figure is an estimate only and only covers the costs to relocate Verizon facilities per our design. Your agreement with Verizon is to pay for the actual cost of the work, which may be greater or less than the estimated cost listed above. If the actual cost is greater than the estimated cost, you will be billed the additional charges. If the actual cost is less than the estimated cost, you will receive a refund. In accordance with Verizon California Inc. and **Cal. PUC No. D&R** governing the recovery from the customers of the actual costs of facilities provided, I am required to collect the full amount of the estimated cost of your work in advance before any work can begin.

During our performance of the requested work, an additional advance payment could be required should you alter the scope of work, take other action which would cause us to incur additional costs, or if we encounter unforeseen events or obstructions.

If you agree to these terms, please indicate your acceptance by signing and dating this agreement letter and returning this letter along with your check for **$ 64,840.00** made payable to Verizon California Inc. Upon receipt of your signed agreement and check, I will complete your work order and release it to our Construction Department for scheduling.

Verizon will attempt to complete the work for which it is responsible under this agreement within 90 days after receipt of payment and a fully executed copy of this agreement and attached agreements, if applicable. However, no damages or other liability shall accrue against Verizon in favor of the Customer if the work is not completed within said period due to Verizon's action or the action of other utilities, agencies, or other companies, which may have become involved in this project.
If your check is received by January 1, 2012, we expect to have all work complete by March 15, 2012.

The costs and engineering specifications will be null and void if this letter is not signed and returned within 30 days from the date of this letter, or if customer requests a new engineering study.

If you have any questions concerning the status of this project, please contact Greg Mayberry at (559) 637-0667.

RECEIVED
JAN - 5 2012
CITY OF REEDLEY
PW/ENGINEERING DEPT.
SCANNED

Sincerely,

Bryan Davis

for Larry Vail
Section Manager, NE & P.

Work Order # 0514-8P0A0BB

I agree to the terms of this agreement:

Accepted: _____

Print Name & Title: _____

Company: _____

Billing Address: _____

Telephone #: _____

Date: _____

RESOLUTION No. 2012-006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REEDLEY APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE PURCHASE & SALE AGREEMENTS FOR STREET RIGHT OF WAY FOR THE CITY OF REEDLEY MANNING SIDEWALKS PROJECT, FEDERAL-AID PROJECT NO. CML-5216 (030).

WHEREAS, the City of Reedley has a federally-funded capital improvement project for the installation or modification of sidewalks at various locations along Manning from Frankwood to Buttonwillow Avenues; and

WHEREAS, additional right-of-way from 13 parcels is required for the installation of these improvements; and

WHEREAS, the City of Reedley is preparing grant deeds and purchase & sales agreements for the partial acquisition of said 13 parcels in accordance with all Federal, State and local regulations; and

WHEREAS, said right-of-way documents will be executed between property owners and the City of Reedley for the legal transfer of land;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Reedley as follows:

1. The City Manager is hereby authorized to execute the purchase and sales agreements with affected property owners for the partial acquisition of parcels for street right-of-way required for the installation of the proposed improvements for the Manning Sidewalks Project, Federal-Aid Project No. CML-5216(030).

2. The City Engineer or his agent is hereby authorized to deliver the right-of – way grant deeds, purchase & sales agreement and funds into an escrow account with Chicago Title Company.

This forgoing resolution is hereby adopted this 24th day of January, 2012, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Mary L. Fast, Mayor

ATTEST:

_____
Sylvia Plata, City Clerk

REPORT TO CITY COUNCIL

— MEMORANDUM —

AGENDA ITEM NO: 4

COUNCIL MEETING DATE: ***January 24, 2012***

SUBJECT:

A RESOLUTION APPROVING AND AUTHORIZING CITY MANAGER TO EXECUTE A WORK ORDER AGREEMENT WITH VERIZON FOR THE OVERHEAD RELOCATION OF UTILITIES IN FRONT OF THE SPORTS PARK FOR THE CITY OF REEDLEY DINUBA AVE WIDENING PROJECT.

RECOMMENDATION:

Adopt Resolution No. 2012-007 approving and authorizing City Manager to execute a work order agreement with Verizon for the overhead relocation of utilities in front of the Sports Park for the City of Reedley Dinuba Ave Widening Project.

BACKGROUND:

City staff is currently completing the bid and contract documents for the construction of street widening improvements along Dinuba Avenue in front of the Sports Park. This improvement project is needed for safe vehicle access to the park by providing a deceleration lane at the intersection of Dinuba and Zumwalt Avenues, among other improvements, for fast-moving vehicles along this corridor. In addition, this project will allow the removal of an existing utility pole currently obstructing the park main entrance.

In order for the City to proceed with construction of the street widening project along the frontage of the Sports Park, a total of four existing utility poles need to be removed of which one is located within the entrance road into the Sports Park. PG&E and Comcast have both relocated their aerial facilities to a new pole alignment outside the proposed street widening limits. However, Verizon's aerial facility remains on the existing pole alignment located within and in conflict with the street widening limits of the project.

City staff requested from Verizon that they relocate their existing facilities outside the limits of the City's roadway project in front of the Sports Park. Verizon has claimed that the City is fully liable for these relocation costs in accordance with the California Public Utilities Code (PUC) and furthermore, payment must be received prior to

commencing any work pursuant to PUC No. D&R. Attached is Verizon's proposed work order agreement for the relocation work at an estimated cost amount of $64,840.00. By entering into this agreement, the City is responsible for payment of the actual cost of the work should the City alter the scope of the work or Verizon encounter unforeseen obstructions or events. Upon completion of the relocation work, if the actual costs are less than estimated, the City will be reimbursed for the difference. If these terms are acceptable to the City, Verizon agrees to make every effort to complete the work within 90 days of receipt of the executed work order agreement and check in the amount of $64,840.00. After this relocation work is completed, the City will proceed with construction of the Dinuba Avenue Street Widening Project in front of the Sports Park.

The Dinuba Avenue corridor is currently designated for utilities undergrounding under the City's Utility Underground District No. 1 (UUD No.1) which was approved and established by the City of Reedley City Council in October of 2008. City staff coordinated with Verizon in an attempt to have their facilities undergrounded and removed from the roadway project limits as part of UUD No. 1. However, Verizon has stated that they will not move forward with their utility undergrounding responsibilities until PG&E undergrounds their electrical facilities, which is not scheduled foranother 5 to 7 years from now. At such time that all utility companies move forward with implementation of UUD No. 1, Verizon will be required to place their overhead aerial facilities within the limits of the District, including the segment in front of the Sports Park, at their own cost.

FISCAL IMPACT:

Budgeted item:	Yes
Expenditure:	One Time
Fund Acct(s):	100-4270.6666 (DIF)

Prepared by: NM City Engineer

Approved by: City Manager

Attachment(s):

1. Verizon Agreement – Aerial Facilities Relocated along Dinuba Ave at Sports Park. WO 0514-8P0A0BB
2. Resolution No. 2012-007

RESOLUTION No. 2012-007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REEDLEY APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A WORK ORDER AGREEMENT WITH VERIZON FOR THE OVERHEAD RELOCATION OF UTILITIES IN FRONT OF THE SPORTS PARK FOR THE CITY OF REEDLEY DINUBA AVE WIDENING PROJECT

WHEREAS, the City of Reedley has a capital improvement street widening project in front of the Sports Park; and

WHEREAS, the City of Reedley has requested that Verizon remove and relocate their overhead facilities in conflict with the capital improvement street project; and

WHEREAS, Verizon has claimed that the City of Reedley is liable for these relocation costs pursuant to the California Public Utilities Code and more specifically Code No's. D&R; and

WHEREAS, the City of Reedley agrees to compensate Verizon for the estimated cost at $64,840 for the relocation of their overhead facilities located within the limits of the street widening project; and

WHEREAS, Verizon will perform this relocation work; and

WHEREAS, the Dinuba Avenue corridor, including the segment in front of the Sports Park, is currently designated for utility undergrounding as part of the City of Reedley Utility Underground District No. 1 which was approved and established by the City Council on October 2008;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Reedley as follows:

1. The City Manager is hereby authorized to execute a work order agreement with Verizon for the relocation of their facilities for the estimated fee amount of $64,840.

2. At such time in the future when the City of Reedley proceeds with Utility Underground District No. 1, Verizon will be responsible for placing underground these relocated aerial facilities at the their own cost.

This forgoing resolution is hereby adopted this 24th day of January, 2012, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Mary L. Fast, Mayor

ATTEST:

_____
Sylvia Plata, City Clerk

REPORT TO CITY COUNCIL

MEMORANDUM

AGENDA ITEM NO.: 5

COUNCIL MEETING DATE: January 24, 2012

SUBJECT: **APPROVE CONTRACT AMENDMENT NO. 1 TO CONSULTING CONTRACT FOR THE CITY OF REEDLEY FRANKWOOD RECONSTRUCTION PROJECT, PHASE 1 AND 2, FEDERAL-AID PROJECT NOs. STPL-5216(031) AND -5216(34).**

RECOMMENDATION:

That the City Council approve and authorize the City Manager to execute Contract Amendment No. 1 to Peters Engineering's consulting contract for the City of Reedley Frankwood Reconstruction Project, Phases 1 and 2.

BACKGROUND:

City staff is currently completing the bid and contract documents for the reconstruction improvements for Frankwood Avenue between North Avenue and Cambridge Drive (or north City limits). The Frankwood Reconstruction Project is been completed in two separate but concurrent phases 1 and 2. The project limits for Phase 1 and 2 are Manning Ave to the north city limits and North Ave to Manning Ave, respectively. The street improvements include roadway reconstruction, curb gutter and sidewalk (CG&S), medians, utility improvements, street lighting, traffic signal retrofits, landscaping, signage and striping. Other project components include the addition of Class II bike lanes and lighted cross walks for enhanced pedestrian safety along this corridor. The City has secured funds from various Federal and State funding programs including RSTP, CMAQ, SRTS and Prop 1B, for design, environmental certification, right of way acquisition and construction for this project.

On October 2008, the City of Reedley entered into an agreement with Peters Engineering Group (Consultant) for consulting services for the City of Reedley Frankwood Reconstruction Project, Phases 1 & 2, for $35,828 for traffic analysis, design and bid support services. In addition to the engineering traffic analysis, the scope of work for this agreement included the preparation of construction documents for the design of only portions of the project. More specifically, the Consultant's scope of work included the design for the corridor's new street lighting and the traffic signal retrofits at the intersection of Frankwood and Manning Ave.

Originally, City staff intended to complete in-house the rest of the project design, not part of the Consultant's scope of work, including the new street geometrics, structural section, medians, CG&S, utility upgrades and modifications, striping, signage, lighted cross walks,

drainage and grading. Staff made significant progress on the design and preparation of the construction documents for these in-house project components. However, due to the current City staff work load and fast-approaching federal funding deadlines for completion of the project, City staff recommends expanding the Consultant's design scope to wrap up the already started in-house designs.

This first Contract Amendment No. 1 includes a cost increase of $99,340 for additional design services for both phases of the Frankwood Reconstruction Project. This additional consultant fee corresponds to $58,670 for Phase 1 and $40,670 for Phase 2 design services as outlined in the attached Consultant Amendment Request No. 1 for the preparation of plans and specifications for the entire project design including street geometrics, structural section, medians, CG&S, street lighting, traffic signal retrofits, drainage and grading, striping, signage, lighted cross walks, utility improvements and other project design related components.

Considering the Consultant's original contract amount and this amendment, the total approved consultant fee for this project would be $135,168. These additional consultant fees would be funded from the funding sources from each respective phase consisting of Federal, State and Measure C funds earmarked for this project. The Phase 1 project earmarked fund amount for the design and right of way acquisition tasks is $425,053 with corresponding $376,300 in federal share (88.53%) and $48,753 in local match (11.47%). The Phase 2 project earmarked fund amount for the design and right of way acquisition tasks is $128,770 with corresponding $114,000 in federal share (88.53%) and $14,770 in local match (11.47%).These earmarked funds are designated to fund in full the engineering design and right of way acquisition costs including consultant fees and City of Reedley project administration costs. The current available federal share for design and right of way acquisition costs for Phases 1 and 2 is approximately $80,000 and $75,000, respectively. These available federal funds would be used to fund the corresponding federal share costs of these additional Consultant fees at $51,940 (58,670 x 0.8853) and $36,005 (40,670 x 0.8853) for Phase 1 and 2, respectively, with the local share costs been funded from Measure C.

As noted above, the requested consulting fee increase for the Consultant's contract will remain below our current available Federal and Measure C funds earmarked for the project tasks referenced herein. The remaining available funds would be used to fund other yet to be incurred project related expenses and for reimbursement for past expenditures that are yet to be requested and received by the City.

FISCAL IMPACT:

Budgeted item:	Yes
Expenditure:	$99,340
Fund Acct(s):	007-4450.5440, 016-4443-5440 for Phase 1
	007-4450-5875, 016-4443-5875 for Phase 2

Prepared by: _____ City Engineer Approved by: _____ City Manager

Attachments:
Peters Engineering Amendment Request No. 1

PETERS ENGINEERING GROUP
A CALIFORNIA CORPORATION

952 POLLASKY AVENUE
CLOVIS, CALIFORNIA 93612

PHONE (559) 299-1544
FAX (559) 299-1722

Mr. Noe Martinez, PE
City Engineer
CITY OF REEDLEY
1733 Ninth Street
Reedley, CA 93654

January 17, 2012

Subject: Frankwood Avenue Reconstruction
Manning Avenue to Parlier Avenue (Phase 1)
Manning Avenue to North Avenue (Phase 2)

In response to the City's request, attached Exhibit 'A" describes the scope of services and fee proposal for Contract Amendment No. 1 to complete roadway, utility and traffic design plans, coordinate with the City's landscape architect regarding completion of the landscape plans, prepare project technical specifications and prepare an engineer's estimate for the subject project.

The total fees authorized for the project and the fees associated with this amendment are as follows:

Original Fee:	$35,828
Addendum #1:	$99,340
Total Revised Fee:	$135,168

Please feel free to call me should you have any questions. To authorize us to perform the work described herein, please sign below and return this letter to our office.

Submitted By:

David Peters, P.E
Principal Engineer

Attachment: Exhibit A - Scope of Services

This amendment is hereby authorized by:

CITY OF REEDLEY

Recommended by:

_____ _____

Noe Martinez, City Engineer Date
RCE 68423

Approved by:

_____ _____

Nicole Zieba, City Manager Date

AMENDMENT NO. 1
SCOPE OF SERVICES

City of Reedley
Frankwood Avenue Reconstruction
Manning Avenue to Parlier Avenue (Phase 1)
Manning Avenue to North Avenue (Phase 2)

Introduction

Peters Engineering Group (Consultant) is currently providing the City of Reedley (City) with traffic engineering services on the subject project. The City wishes to add roadway and civil engineering services to the scope of work such that Peters Engineering Group will provide a complete design of the project (omitting landscaping and irrigation which is being performed by others). Specifically, Consultant scope of work will be amended to also include preparation of plans, specifications, and contract documents for the project. Final plans will be prepared on 24"x 36" bond drawing sheets using AutoCAD 2011 consistent with City of Reedley and AASHTO Standards.

WORK TASKS

The Consultant will provide the following additional work tasks:

TASK 100 PRELIMINARY ENGINEERING

101 Kickoff Meeting

Consultant will attend another kickoff meeting to discuss specific design criteria with City personnel associated with the roadway design portion of the project.

102 Field Surveys & Mapping

The Consultant will provide additional coordination with the City regarding the City provided surveys and mapping.

103 Research Existing Underground Utilities

Consultant will provide additional coordination with affected utility companies to verify record mapping of the utilities in the project area associated with the roadway improvements. Utility information will be verified with that shown on the construction plans. Coordination will be with the following agencies/utilities:

- Pacific Gas and Electric
- Verizon

- Comcast Cablevision
- City of Reedley, Water and Sewer & Stormdrain
- Alta Irrigation District

104 Traffic Analysis

This task remains unchanged.

105 Preliminary Design Memorandum

This task remains unchanged.

106 30% ~~Signal and Lighting~~ Plans

In addition to already completed 30% Signal & Lighting Plans, Consultant will prepare preliminary roadway design drawings showing the horizontal layout of the proposed improvements. The preliminary design drawings will include the disposition of existing utilities and identify any necessary relocations. The purpose of preparing the preliminary design drawings is to obtain approval of the major components for the design prior to completing the Construction Documents.

Task 200 CONSTRUCTION DOCUMENTS

This phase of the project will not begin until the City has reviewed and approved the preliminary design drawings. Changes to the approved layout after completion of Task 106 shall be considered Additional Services.

201 Signal & Lighting Plans (60%)

Consultant will revise previously prepared signal and lighting plans for prepared for the project to accommodate revised roadway geometrics.

201A Utility Plans (60%)

Consultant will prepare 60-percent utility plans for the project. Utilities in conflict with the proposed improvements will be relocated, as necessary. It is not anticipated that new utilities will be designed as part of the project. Specifically the scope of the water, sewer and storm drainage system improvements is shown on the preliminary plans. Significant additions to the scope beyond those shown in the preliminary plans provided by the City will be considered Additional Services.

CLIENT DUTIES & RESPONSIBILITIES:

1. Provide reviews, as necessary, to facilitate the design process.
2. Provide available record drawings for existing facilities within the project limits.
3. Provide geotechnical investigations, if deemed necessary by the Consultant, for the pavement section or box culvert design tasks.
4. Negotiate and obtain all necessary additional right-of-ways.
5. Complete all CEQA / NEPA documents necessary on the project.

COMPENSATION:

Consultant compensation shall be on a lump sum basis for each phase of the project in accordance with Attachment B-1 & B-2 and the attached Consultant Schedule of Rates. Consultant will provide monthly progress invoices for work completed within the prior month.

SCHEDULE:

Consultant will complete all work included in this amendment by January 24, 2013 unless a time extension is approved by the City in writing.

CITY OF REEDLEY
FRANKWOOD AVENUE RECONSTRUCTION

AMENDMENT NO. 1
ENGINEERING FEE PROPOSAL

Attachment B-1

Frankwood Ave Phase 1 - Manning to 1000' north of Parlier

Task	Description	Person-Hours					Other Direct Costs	Total
		Principal Engineer @ $160 /hr	Senior Civil Engineer @ $145 /hr	Staff Engineer @ $95 /hr	Draftsperson / Technician @ $75 /hr	Clerical @ $60 /hr		
101	Kickoff Meeting	2	2	2			$50	$850
102	Field Surveys & Mapping		1	2	2		$13	$498
103	Research Existing Underground Utilities			4		2	$13	$513
104	Traffic Analysis							$0
105	Preliminary Design Memorandum							$0
106	30% Plans	4	16	40	48		$100	$10,460
201	Street Lighting & Signal Plans	2	10	24	24		$13	$5,863
201A	Utility Plans	4	14	48	48		$25	$10,855
201B	Roadway Improvement Plans	8	24	50	48		$25	$13,135
201C	Landscaping Plans	1	2	4		2	$25	$975
201D	Contract Docs / Tech Specs	4	12	24		16	$25	$5,645
201E	Cost Estimate	1	4	10	4		$13	$2,003
202	Final PS&E	4	6	24	24	4	$175	$6,005
203	Construction Documents							
204	Bidding Phase	2	4	4	4	4	$50	$1,870
	Total Hours	30	93	206	202	28	**Total =**	**$58,670**

CITY OF REEDLEY
FRANKWOOD AVENUE RECONSTRUCTION

AMENDMENT NO. 1
ENGINEERING FEE PROPOSAL

Attachment B-2

Frankwood Ave Phase 2 - Manning to 300' south of North Avenue

Task	Description	Person-Hours					Other Direct Costs	Total
		Principal Engineer @ $160 /hr	Senior Civil Engineer @ $145 /hr	Staff Engineer @ $95 /hr	Draftsperson / Technician @ $75 /hr	Clerical @ $60 /hr		
101	Kickoff Meeting	2	2	2			$50	$850
102	Field Surveys & Mapping		1	2	2		$13	$498
103	Research Existing Underground Utilities			4		2	$13	$513
104	Traffic Analysis							$0
105	Preliminary Design Memorandum							$0
106	30% Plans	4	8	20	32		$50	$6,150
201	Street Lighting & Signal Plans	2	6	16	16		$13	$3,923
201A	Utility Plans	4	10	32	32		$25	$7,555
201B	Roadway Improvement Plans	8	16	30	32		$25	$8,875
201C	Landscaping Plans	1	2	4		2	$25	$975
201D	Contract Docs / Tech Specs	4	4	16		8	$25	$3,245
201E	Cost Estimate	1	4	6	4		$13	$1,623
202	Final PS&E	2	4	12	12	4	$50	$3,230
203	Construction Documents	2	2	4	4		$75	$1,365
204	Bidding Phase	2	4	4	4	4	$50	$1,870
	Total Hours	30	61	130	138	20	**Total =**	**$40,670**

PETERS ENGINEERING GROUP
A CALIFORNIA CORPORATION

952 POLLASKY AVENUE
CLOVIS, CALIFORNIA 93612

PHONE (559) 299-1544
FAX (559) 299-1722

HOURLY RATE SCHEDULE
(Effective 1/1/12 to 12/31/12)

CLASSIFICATION	RATE
Principal Civil Engineer	$160/hr
Senior Civil Engineer	$145/hr
Civil Engineer	$115/hr
Land Surveyor	$115/hr
Staff Engineer	$95/hr
Draftsperson/Technician/Inspector	$75/hr
Clerical	$60/hr
Robotic Total Station	$30/hr
Litigation Support	$300/hr

REIMBURSABLES SCHEDULE
(Effective 1/1/11 to 12/31/11)

DESCRIPTION	RATE
Mileage	$0.72/mile
Travel Subsistence	Actual Cost + 10%
Postage	Actual Cost + 10%
Reproduction	Actual Cost + 10%
Subconsultant	Actual Cost + 10%

Work requiring an accelerated schedule is subject to a 25% labor surcharge. Peters Engineering Group will furnish monthly billing for work performed in accordance with previously authorized fees and the above fee schedule. Payments shall be due upon resentation and no later than 30 days from the date of original invoice. Finance charges will apply to unpaid balances.

REPORT TO CITY COUNCIL/ REDEVELOPMENT AGENCY/ HOUSING AUTHORITY

MEMORANDUM

AGENDA ITEM NO: ***6***

MEETING DATE: ***January 24, 2012***

SUBJECT:

Approve Resolutions related to the dissolution of the Reedley Redevelopment Agency.

1. **Resolution No. 2012-008 of the City of Reedley expressing its intent to serve as the Successor Agency to the Reedley Redevelopment Agency pursuant to Health and Safety Code Sections 34171(j) and 34173.**
2. **Resolution No. 159 of the Reedley Redevelopment Agency amending the Enforceable Obligation Payment Schedule required by AB 26x1.**
3. **Resolution No. 2012-009 of the City of Reedley declaring that there exists a need for a Housing Authority to function in the City; declaring that the members of the City Council shall be the Commissioners of the Reedley Housing Authority; and designating the first Chairperson of the Housing Authority.**
4. **Resolution No. 160 of the Reedley Redevelopment Agency transferring all its assets, properties, contracts, leases, books and records, buildings, and equipment to the City of Reedley and all its rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the Agency to the Reedley Housing Authority, upon dissolution of the Agency, pursuant to Health and Safety Code Sections 34175(b) and 34176(b).**
5. **Resolution No. 2012-001 of the Reedley Housing Authority electing to retain and/or obtain the housing assets and functions, and accepting and assuming all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the Reedley Redevelopment Agency, pursuant to Health and Safety Code Section 34176.**

RECOMMENDATION:

It is recommended that the City approve the Resolutions naming the City of Reedley as the Successor Agency to the Reedley Redevelopment Agency (RRDA), amending the RRDAs Enforceable Obligation Payment Schedule, establishing the Reedley Housing Authority (RHA), transferring the RRDA's housing activities and related items to the RHA, and having the RHA accept the RRDA's transfer of all housing activities and related items.

BACKGROUND:

On December 29, 2011, the California Supreme Court ruled that AB 26x1 is valid, causing the dissolution of redevelopment agencies in California. It also opined that AB 27x1 was not valid, thereby eliminating cities' options to maintain a redevelopment agency by opting into the Voluntary Alternative Redevelopment Program. Therefore, the City of Reedley must eliminate the Reedley Redevelopment Agency and, following the requirements prescribed by law, must name a Successor Agency to the Redevelopment Agency, which is tasked with winding down the affairs of the Redevelopment Agency. The City must also name a Successor Agency for housing functions previously performed by the Reedley Redevelopment Agency. These tasks must be completed no later than January 31, 2012.

Staff believes it is in the best interest of the community to name the City of Reedley as the Successor Agency. Upon dissolution of the Redevelopment Agency, all assets will transfer to the City. The City will then proceed to disburse the assets as prescribed by law.

Part of the requirement of law is that Redevelopment Agencies also provide amended Enforceable Obligation Payment Schedules which clearly outline all fiscal commitments of the Agency that were made prior to the law becoming effective. Part of Council's/RDA Governing Board's actions through this item will adopt the amended Schedule covering the period of January 1, 2012 through June 30, 2012. This Schedule will be forwarded to the County Auditor. Subsequent to this, the Successor Agency will be required to adopt and submit a Required Obligation Payment Schedule, similar to the EOPS, each year that will be forwarded to the County Auditor.

The Redevelopment Agency has been responsible for housing functions in the City of Reedley. The City has the ability to either create its own housing authority to take over housing-related activities and obligations of the RRDA, or it may transfer all responsibility for these functions to the existing county housing authority. Staff believes that, at this time, it is better for the City to retain control of the housing assets and housing functions of the Redevelopment Agency, rather than have the assets and functions go to the Fresno City/County Housing Authority.

Therefore, the Resolution also established the Reedley Housing Authority and authorizes the transfer of all housing responsibilities to the new Authority. There are currently several bills that have been introduced that may dramatically alter the course of this dissolution process. For this reason, it is better to retain control than to give up assets and attempt to reacquire them, should the law change. The Council retains the flexibility to make a different decision on the Housing Authority successor at a later date if law changes or interpretations of the current law put an undue fiscal or administrative burden on the City.

Purpose and Governance; Activation Procedure; Powers and Duties of a Housing Authority

I. Purpose and Governance

The California "Housing Authority Law" (California Health & Safety Code § 34200 *et seq.*) automatically creates a dormant Housing Authority in every city and county. In order for the City Housing Authority to transact business and exercise its powers, a city ("City") must activate its Housing Authority through certain procedures explained herein. A Housing Authority collaborates with public, private and non-profit entities agencies for the purpose of providing sanitary and safe housing for people of very low, low or moderate income within a city or county's territorial jurisdiction. The core activities of many Housing Authorities are primarily to build, acquire, own, manage and maintain residential rental units and to provide financial assistance for rentals or ownership in the private real estate market. A Housing Authority is governed by the state Housing Authority Law, and for purposes of major federal funding, if any is received, regulations of the U.S. Department of Housing and Urban Development ("HUD"). Further, a Housing Authority is not required under the Housing Authority Law to seek HUD or any other type of outside funding.

Once activated, a Housing Authority consists of at least five (5) commissioners and shares functions similar to other governmental entities: it can sue and be sued; make and execute contracts; partner with other Housing Authorities or other governmental agencies; and make, amend, and repeal by-laws and regulations to carry into effect its powers and purposes. A housing commission may also be formed to review and provide recommendations on all matters to come before the Housing Authority.

II. Activation Procedure

As mentioned above, a Housing Authority already exists in every county and city. In order to activate the City's Housing Authority, the City Council first needs to adopt a resolution containing certain findings. Second, commissioners must be appointed to serve on the Housing Authority.

A. Adoption of Resolution

In order for the City Housing Authority to beginning conducting transactions and exercising its powers, the City Council must first adopt a resolution declaring a need for the Housing Authority. The resolution must also contain at least one of the following findings:

(1) that unsanitary or unsafe inhabited dwelling accommodations exist in the City; and/or

(2) there is a shortage of safe or sanitary dwelling accommodations in the City available to persons of low income at rentals they can afford.

In determining whether dwelling accommodations are "unsafe or unsanitary," the City Council may consider:

a. the degree of overcrowding;
b. the percentage of land coverage;
c. the light, air, space and access available to the inhabitants of such dwelling accommodations;
d. the size and arrangement of the rooms;
e. the sanitary facilities; and
f. the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

B. Appointment of a Board of Commissioners

Once the City Council adopts the resolution including the finding(s), commissioners must be chosen to serve on the City Housing Authority. The City Council may declare itself to be the commissioners of the City Housing Authority at the time the above-referenced resolution is adopted or anytime thereafter. Under this option, all rights, powers, duties, privileges and immunities of the commissioners are vested in the City Council. At any time the City Council may, by resolution, stop functioning as the commissioners and the Mayor will appoint replacement commissioners.

III. Powers and Duties

A. Powers

Housing Authority Law grants a Housing Authority several powers in carrying out its goal. Specifically, a Housing Authority has the power to:

a. prepare, carry out, acquire, lease and operate low-income housing projects and housing developments;
b. (provide for the construction, reconstruction, improvement, alteration or repair of any housing project;
c. provide leased housing to persons of low income;
d. provide financing for the acquisition, construction, rehabilitation, refinancing or development of dwelling accommodations for persons of low income;
e. provide counseling, referral, and advisory services to low or moderate income persons and families in connection with the purchase, rental, occupancy, maintenance or repair of housing;
f. provide security for the protection of a project and its inhabitants;
g. provide financial assistance for housing projects pursuant to Health and Safety Code Section 34312.3 (which permits a Housing Authority to issue revenue bonds, construction loans, mortgage loans etc. for specific purposes and subject to certain requirements);

h. acquire, plan, undertake, construct, improve, develop, maintain and operate land with mobile homes, so long as no less than twenty (20) percent of the mobile homes are designated for or are occupied by persons of low income; and
i. lease, rent, own, improve, sell, exchange, transfer and acquire real or personal property.

The broad definition of "housing project" permits these powers to encompass many types of work in the community. For example, a Housing Authority can participate in projects to demolish, clear, or remove buildings from any slum area, which may embrace the adaptation of the area to public purposes, including parks or other recreational or community purposes. A Housing Authority's effort to provide decent, safe and sanitary living accommodations may also include work on buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare or other purposes. Consequently, a City Housing Authority is empowered to engage in a variety of activities to assist in the development of affordable rental and ownership housing. Depending on the facts, a City Housing Authority may be able to use its powers to assist traditional housing projects, including mixed use projects, and to provide infrastructure improvements necessary to support housing projects.

B. Duties

Although the duties of a Housing Authority are not all necessarily prescribed by statute, on-going functions of a Housing Authority often include:

a. assuring compliance with leases
b. setting charges (e.g., security deposit, excess utility consumption, and damages to unit);
c. performing periodic reexaminations of the family's income at least once every twelve (12) months;
d. transferring families from one unit to another, in order to correct over/under crowding, repair or renovate a dwelling, or because of a resident's request to be transferred;
e. terminating leases when necessary; and
f. maintaining housing developments in a decent, safe, and sanitary condition.

Additionally, affirmative duties are often triggered by agreements where the Housing Authority receives loans or grants from local, state or federal agencies. However, Housing Authorities are not required to seek such funding.

Reedley Housing Authority

If Council chooses to adopt findings and establish the Reedley Housing Authority, the RRDA will be required to adopt a resolution transferring housing responsibilities, assets, and all related items to the new Housing Authority, and the new Housing Authority Board will be required to adopt a resolution accepting the transfer.

FISCAL IMPACT:

For the remainder of the fiscal year, the RDA's obligations, including administrative overhead and allocated charges are reflected on the Enforceable Obligation Payment Schedule, and they should not negatively impact the City's General Fund. The law states that cities will receive an allowance for administrative overhead for the coming years to help wind down the affairs of the RDA, but this amount is unknown at this time. The California Redevelopment Association has stated that there are still many more questions than answers in terms of how these law changes may ultimately impact cities fiscally. As the new legislation is voted upon, the City may see some changes in what can be included in administrative overhead reimbursement for 2012-2013, as well as changes in what housing funds and increment can be expected. Staff will keep the Council apprised of this information as it is received.

Approved by: _____ City Manager

Attachment(s):

City Resolution 2012-008
RRDA Resolution 2012-001
City Resolution 2012-009
RRDA Resolution 2012-002
RHA Resolution 2012-001

Motion:_____
Second:_____

RESOLUTION NO. 2012-008

RESOLUTION OF THE CITY OF REEDLEY EXPRESSING ITS INTENT TO SERVE AS THE SUCCESSOR AGENCY TO THE REEDLEY REDEVELOPMENT AGENCY PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 34171(j) AND 34173

WHEREAS, the Reedley Redevelopment Agency ("Agency") is a redevelopment agency organized and existing under the California Community Redevelopment Law (Health & Safety Code § 33000 *et seq.*) ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council of the City of Reedley ("City Council" or "City," as applicable); and

WHEREAS, in connection with approval and adoption of the State Budget for Fiscal Year 2011-12, the California Legislature has approved, and the Governor has signed (i) AB 26X1 (Stats. 2011, chap. 5, "AB 26X1"), which immediately, and purportedly retroactively, suspends all otherwise legal redevelopment activities and incurrence of indebtedness and dissolves redevelopment agencies effective October 1, 2011 (the "Dissolution Act"); and (ii) AB 27X1 (Stats. 2011, chap. 6, "AB 27X1"), which allows communities to avoid the consequences of the Dissolution Act and continue their redevelopment agency if the community enacts an ordinance agreeing to comply with the alternative voluntary redevelopment program described in Section 2 of AB 27X1, adding Part 1.9 (commencing with section 34192) of Division 24 of the Health and Safety Code (the "Alternative Redevelopment Program"); and

WHEREAS, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. 5194861), challenging the constitutionality of AB 26X1 and AB 27X1 on behalf of cities, counties and redevelopment agencies, and requesting a stay of enforcement; and

WHEREAS, on August 11, 2011, the Supreme Court issued a partial stay on the effectiveness of AB 26X1 and AB 27X1 until the Court ruled on the constitutionality of the two bills, which stay was further modified by the Court on August 17, 2011 (collectively, the "Stay"); and

WHEREAS, on December 29, 2011, the Supreme Court issued a ruling upholding AB 26X1 as proper exercise of the legislative power and striking down AB 27X1 as unconstitutional, effectively eliminating all redevelopment agencies pursuant to the Dissolution Act and removing the option to remain in existence pursuant to the Alternative Redevelopment Program; and

WHEREAS, the Supreme Court's ruling modified the deadlines set forth in the Dissolution Act, in most cases, extending them by four (4) months; and

WHEREAS, the Agency shall automatically be dissolved in accordance with, and pursuant to, the Dissolution Act effective February 1, 2012, provided, however, that if the effective date in the Dissolution Act is extended, the Agency shall automatically dissolve on the new effective date for dissolution;

WHEREAS, Section 34171(j) of the CRL (as added by Part 1.85) provides that the city that authorized the creation of the redevelopment agency shall be the "successor agency" to the redevelopment agency dissolved pursuant to Section 34170 of the CRL (as added by Part 1.85); and

WHEREAS, Section 34173 of the CRL (as added by Part 1.85) provides that the "successor agency," as defined in Section 3417(j) of Part 1.85, is designated as the successor entity to the former redevelopment agency; and

WHEREAS, the City intends to, and shall serve as, the successor agency for the Agency in accordance with Section 34171(j) and Section 34173 of the CRL (as added by Part 1.85).

NOW, THEREFORE, the City Council of the City of Reedley finds, determines, and orders as follows:

1. The City hereby accepts the designation, and hereby declares its intent, to serve as the successor agency to the Agency in accordance with Section 34171(j) and Section 34173 of the CRL (as added by Part 1.85).

2. The City Manager, or designee, is hereby authorized to take such actions, and to execute all documents necessary and appropriate for the City to obtain all non-housing Agency assets, properties, contracts, leases, books and records, buildings, and equipment, and to otherwise act as the Agency's "successor agency" as allowed or required by law.

3. The City Manager, or designee, is hereby authorized to file a copy of this Resolution with the County Auditor in accordance with Part 1.85.

4. This Resolution shall take effect immediately upon its adoption, provided, however, it shall be automatically stayed, without further action by the City Council, if the implementation date of AB 26X1 is stayed, amended or otherwise modified in a manner which affects implementation of AB 26X1.

This foregoing Resolution was duly passed, approved, and adopted this 24th day of January, 2012, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Mary L. Fast, Mayor

ATTEST:

_____
Sylvia B. Plata, City Clerk

RESOLUTION NO. 159

RESOLUTION OF THE REEDLEY REDEVELOPMENT AGENCY AMENDING THE ENFORCEABLE OBLIGATION PAYMENT SCHEDULE REQUIRED BY AB 26X1

WHEREAS, Assembly Bill 26X1 (the "Act") became effective on June 29, 2011, and among other things the Act required the Reedley Redevelopment Agency ("Agency") to adopt an Enforceable Obligation Payment Schedule ("Schedule") by August 26, 2011; and

WHEREAS, the Schedule was to list certain information regarding the enforceable obligations (as defined in the Act) of the Agency through December 31, 2011; and

WHEREAS, this Board of Directors adopted the required Schedule by adoption of its Resolution No. 156 on August 23, 2011; and

WHEREAS, section 34169(g)(2) of the Act permits the Agency to amend the Schedule at any of the Agency's public meetings; and

WHEREAS, Agency and City of Reedley ("City") staff have reviewed the Schedule and the various obligations of the Agency with the Agency's attorney and determined the Agency has obligations that are enforceable obligations payable beginning January 1, 2012, and so have prepared an Amended Schedule attached hereto as Exhibit "A" listing such obligations.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Reedley Redevelopment Agency hereby adopts the Amended Enforceable Obligation Payment Schedule attached as Exhibit "A," and directs Agency staff to monitor and review Agency obligations to ensure compliance with the Schedule and the Act, and, if necessary, to prepare an amended Schedule to be considered and adopted by this Board as necessary to comply with the Act.

BE IT FURTHER RESOLVED, that the Amended Schedule shall be provided to the City, as the Agency's "Successor Agency," with the understanding that the Successor Agency shall make payments, according to the Schedule, which are due on and after February 1, 2012.

BE IT FURTHER RESOLVED, that the Agency's Executive Director, or designee, is authorized and directed to take any action and execute any documents necessary to implement this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption, provided, however, it shall be automatically stayed, without further action by the Agency Board, if the implementation date of AB 26X1 is stayed, amended or otherwise modified in a manner which affects implementation of AB 26X1.

This foregoing Resolution was duly passed, approved, and adopted this 24th day of January, 2012, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Mary L. Fast, Chair

ATTEST:

_____
Sylvia B. Plata, City Clerk

RESOLUTION NO. 2012-009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REEDLEY DECLARING THAT THERE EXISTS A NEED FOR A HOUSING AUTHORITY TO FUNCTION IN THE CITY; DECLARING THAT THE MEMBERS OF THE CITY COUNCIL SHALL BE THE COMMISSIONERS OF THE HOUSING AUTHORITY; AND, DESIGNATING THE FIRST CHAIRPERSON OF THE HOUSING AUTHORITY

WHEREAS, the Housing Authority Law is codified in Health and Safety Code Sections 34200 *et seq.* (the "Law"); and

WHEREAS, Section 34240 of the Law provides that in every City there is a public body corporate and politic known as the Housing Authority of the City; and

WHEREAS, Section 34240 of the Law additionally provides that the Housing Authority shall not transact business or exercise its power unless the City Council of the City declares by Resolution that there is a need for a Housing Authority to function in the City; and

WHEREAS, Section 34242 of the Law provides for the adoption of a Resolution declaring that there is a need for a Housing Authority to function in the City if the City Council finds either: (i) that unsanitary or unsafe inhabited dwelling accommodations exist in the City; or (ii) that there is a shortage of safe or sanitary dwelling accommodations in the City available to persons of low income at rentals they can afford; and

WHEREAS, Section 34290 of the Law provides that the City Council may declare by Resolution that the City Council shall be the Commissioners of the Housing Authority; and

WHEREAS, Section 34277 of the Law provides that the Mayor of the City shall designate the interim Chairman of the Housing Authority from among the Housing Authority Commissioners, and thereafter the Housing Authority shall select his/her successor among its commissioners; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, the City Council of the City of Reedley, does hereby resolve as follows:

Section 1. The foregoing recitals are true and correct and are a substantive part of this Resolution.

Section 2. Findings: The City Council finds that there exist in the City both unsanitary and unsafe inhabited dwelling accommodations and a shortage of decent, safe, sanitary and affordable dwelling accommodations in the City which are available to persons of low income.

Section 3. Need for Housing Authority: There is a need for a Housing Authority to function in the City, and the Housing Authority hereby activated and is permitted to transact any business and exercise any power inferred thereon by the provisions of the Housing Authority Law, commencing with Section 34200 of the Health and Safety Code.

Section 4. City Council Members to Serve as Housing Authority Commissioners: Pursuant to Section 34290 of the Health and Safety Code, the City Council of the City of Reedley finds that the appointment of the members of the City Council, as the Commissioners of the Housing Authority will serve the public interest and promote the public safety and welfare in an effective manner and, therefore, the City Council Members of the City of Reedley are hereby declared to be Commissioners of the Housing Authority and all the rights, powers, duties, privileges and immunities which are adjusted by the Housing Authority Law and such a Housing Authority shall be vested in such Commissioners, except as otherwise provided by the Housing Authority Law.

Section 5. Designation of Chairman: The Mayor of the City of Reedley shall serve as the Chairman of the Housing Authority.

Section 6. Name: The Housing Authority activated by this Resolution shall be called the "City of Reedley Housing Authority".

Section 7. The City Clerk of the City of Reedley shall serve as the Housing Authority Secretary and shall certify to the passage and adoption of this Resolution and it shall thereupon take immediate effect and be in force.

This foregoing Resolution was duly passed, approved, and adopted this 24th day of January, 2012, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Mary L. Fast, Mayor

ATTEST:

_____
Sylvia B. Plata, City Clerk

RESOLUTION NO. 160

RESOLUTION OF THE REEDLEY REDEVELOPMENT AGENCY TRANSFERRING ALL ITS ASSETS, PROPERTIES, CONTRACTS, LEASES, BOOKS AND RECORDS, BUILDINGS, AND EQUIPMENT TO THE CITY OF REEDLEY AND ALL ITS RIGHTS, POWERS, ASSETS, LIABILITIES, DUTIES, AND OBLIGATIONS ASSOCIATED WITH THE HOUSING ACTIVITIES OF THE AGENCY TO THE REEDLEY HOUSING AUTHORITY, UPON DISSOLUTION OF THE AGENCY, PURSUANT TO HEALTH & SAFETY CODE SECTIONS 34175(b) AND 34176(b).

WHEREAS, the Reedley Redevelopment Agency ("Agency") is a redevelopment agency organized and existing under the California Community Redevelopment Law (Health & Safety Code § 33000 *et seq.*) ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council of the City of Reedley ("City Council" or "City," as applicable); and

WHEREAS, in connection with approval and adoption of the State Budget for Fiscal Year 2011-12, the California Legislature has approved, and the Governor has signed (i) AB 26X1 (Stats. 2011, chap. 5, "AB 26X1"), which immediately, and purportedly retroactively, suspends all otherwise legal redevelopment activities and incurrence of indebtedness and dissolves redevelopment agencies effective October 1, 2011 (the "Dissolution Act"); and (ii) AB 27X1 (Stats. 2011, chap. 6, "AB 27X1"), which allows communities to avoid the consequences of the Dissolution Act and continue their redevelopment agency if the community enacts an ordinance agreeing to comply with the alternative voluntary redevelopment program described in Section 2 of AB 27X1, adding Part 1.9 (commencing with section 34192) of Division 24 of the Health and Safety Code (the "Alternative Redevelopment Program"); and

WHEREAS, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. 5194861), challenging the constitutionality of AB 26X1 and AB 27X1 on behalf of cities, counties and redevelopment agencies, and requesting a stay of enforcement; and

WHEREAS, on August 11, 2011, the Supreme Court issued a partial stay on the effectiveness of AB 26X1 and AB 27X1 until the Court ruled on the constitutionality of the two bills, which stay was further modified by the Court on August 17, 2011 (collectively, the "Stay"); and

WHEREAS, on December 29, 2011, the Supreme Court issued a ruling upholding AB 26X1 as proper exercise of the legislative power and striking down AB 27X1 as unconstitutional, effectively eliminating all redevelopment agencies pursuant to the Dissolution Act and removing the option to remain in existence pursuant to the Alternative Redevelopment Program; and

WHEREAS, the Supreme Court's ruling modified the deadlines set forth in the Dissolution Act, in most cases, extending them by four (4) months; and

WHEREAS, the Agency automatically shall be dissolved in accordance with, and pursuant to, the Dissolution Act effective February 1, 2012, unless the effective date is extended; and

WHEREAS, pursuant to Health & Safety Code section 34175(b), the Agency must transfer all of its non-housing assets, properties, contracts, leases, books and records, buildings, and equipment to the control of a "successor agency;" and

WHEREAS, the City has expressed its intent to serve as the Agency's successor agency; and

WHEREAS, pursuant to Health & Safety Code section 34176, the housing assets and functions of the Agency may be retained by the City or transferred to a local housing authority; and

WHEREAS, the City's Housing Authority has expressed its intent to accept and assume all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the Agency.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Reedley Redevelopment Agency finds, determines, and orders as follows:

1. The Agency Executive Director, or designee, or, following dissolution, the City Manager, or designee, is hereby authorized to take such actions as are necessary and appropriate to carry out the dissolution of the Agency, including, without limitation, the transfer of Agency's non-housing assets, properties, contracts, leases, books and records, buildings, and equipment to the control of the City of Reedley, as successor agency, including, without limitation, execution of deeds, and, to the extent permitted by law, determine the effective date of such transfers.

2. The Agency Executive Director, or designee, or, following dissolution, the City Manager, or designee, is hereby authorized to take such actions as are necessary and appropriate to transfer all of the Agency's rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the Agency to the Reedley Housing Authority.

3. This Resolution shall take effect immediately upon its adoption, provided, however, it shall be automatically stayed, without further action by the Agency Board, if the implementation date of AB 26X1 is stayed, amended or otherwise modified in a manner which affects implementation of AB 26X1.

This foregoing Resolution was duly passed, approved, and adopted this 24th day of January, 2012, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Mary L. Fast, Chair

ATTEST:

_____
Sylvia B. Plata, City Clerk

RESOLUTION NO. 2012-001

RESOLUTION OF THE REEDLEY HOUSING AUTHORITY ELECTING TO RETAIN AND/OR OBTAIN THE HOUSING ASSETS AND FUNCTIONS, AND ACCEPTING AND ASSUMING ALL RIGHTS, POWERS, ASSETS, LIABILITIES, DUTIES, AND OBLIGATIONS ASSOCIATED WITH THE HOUSING ACTIVITIES OF THE REEDLEY REDEVELOPMENT AGENCY, PURSUANT TO HEALTH AND SAFETY CODE SECTION 34176

WHEREAS, the Reedley Redevelopment Agency ("Agency") is a redevelopment agency organized and existing under the California Community Redevelopment Law (Health & Safety Code § 33000 et seq.) ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council of the City of Reedley ("City Council" or "City," as applicable); and

WHEREAS, in connection with approval and adoption of the State Budget for Fiscal Year 2011-12, the California Legislature has approved, and the Governor has signed (i) AB 26X1 (Stats. 2011, chap. 5, "AB 26X1"), which immediately, and purportedly retroactively, suspends all otherwise legal redevelopment activities and incurrence of indebtedness and dissolves redevelopment agencies effective October 1, 2011 (the "Dissolution Act"); and (ii) AB 27X1 (Stats. 2011, chap. 6, "AB 27X1"), which allows communities to avoid the consequences of the Dissolution Act and continue their redevelopment agency if the community enacts an ordinance agreeing to comply with the alternative voluntary redevelopment program described in Section 2 of AB 27X1, adding Part 1.9 (commencing with section 34192) of Division 24 of the Health and Safety Code (the "Alternative Redevelopment Program"); and

WHEREAS, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. 5194861), challenging the constitutionality of AB 26X1 and AB 27X1 on behalf of cities, counties and redevelopment agencies, and requesting a stay of enforcement; and

WHEREAS, on August 11, 2011, the Supreme Court issued a partial stay on the effectiveness of AB 126X1 and AB 27X1 until the Court ruled on the constitutionality of the two bills, which stay was further modified by the Court on August 17, 2011 (collectively, the "Stay"); and

WHEREAS, on December 29, 2011, the Supreme Court issued a ruling upholding AB 26X1 as proper exercise of the legislative power and striking down AB 27X1 as unconstitutional, effectively eliminating all redevelopment agencies pursuant to the Dissolution Act and removing the option to remain in existence pursuant to the Alternative Redevelopment Program; and

WHEREAS, the Supreme Court's ruling modified the deadlines set forth in the Dissolution Act, in most cases, extending them by four (4) months; and

WHEREAS, the Agency shall automatically be dissolved in accordance with, and pursuant to, the Dissolution Act effective February 1, 2012, provided, however, that if the effective date in the Dissolution Act is extended, the Agency shall automatically dissolve on the new effective date for dissolution;

WHEREAS, Section 34176 of the CRL (as added by Part 1.85) provides that the city that authorized the creation of a redevelopment agency may elect to retain the housing assets and functions previously performed by the former redevelopment agency, or such assets and functions may be transferred to a local housing authority; and

WHEREAS, the City activated the Reedley Housing Authority ("Housing Authority") and desires that the housing assets and functions previously performed by the Agency be transferred to the Housing Authority in accordance with Section 34176 of the CRL (as added by Part 1.85).

NOW, THEREFORE, the Governing Board of the Reedley Housing Authority finds, determines, and orders as follows:

1. The Reedley Housing Authority hereby elects to retain and/or obtain the housing assets and functions and accept and assume all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities previously performed by the Agency in accordance with Section 34176 of the CRL (as added by Part 1.85).

2. The Executive Director of the Housing Authority, or his or her designee, is hereby authorized to take such actions, and to execute all documents, necessary and appropriate for the Reedley Housing Authority to retain and/or obtain the housing assets and functions, and accept and assume all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities, of the Agency pursuant to Section 34176 of the CRL (as added by Part 1.85).

3. The Executive Director of the Housing Authority, or his or her designee, is hereby authorized to file a copy of this resolution with the County Auditor in accordance with Part 1.85.

4. This Resolution shall take effect immediately upon its adoption, provided, however, it shall be automatically stayed, without further action by the Housing Authority's Governing Board, if the implementation date of AB 26X1is stayed, amended or otherwise modified in a manner which affects implementation of AB 26X1.

This foregoing Resolution was duly passed, approved, and adopted this 24th day of January, 2012, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Mary L. Fast, Chair

ATTEST:

_____
Sylvia B. Plata, City Clerk