



RESOLUTION NO. 2016-29

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO CALIFORNIA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AN AMENDMENT TO THE PROGRAM ELIGIBILITY AND FUNDING AGREEMENT, DATED DECEMBER 5, 2012, WITH THE FRESNO COUNTY TRANSPORTATION AUTHORITY RELATING TO THE REALLOCATION OF PROGRAM FUNDS TO THE MEASURE C TRANSIT ORIENTED DEVELOPMENT PROGRAM AND AUTHORIZING THE EXECUTION OF AMENDMENT RELATED DOCUMENTS BY THE CITY MANAGER OR DESIGNEE

WHEREAS, on August 23, 2012, the City of Fresno (the "City") adopted the Downtown Development Impact Fee Forgiveness Incentive Program ("DDIP");

WHEREAS, subsequently, the City entered into the Program Eligibility and Funding Agreement, dated December 5, 2012, with the Fresno County Transportation Authority ("FCTA") for the Downtown Development Impact Fee Forgiveness Program, which authorized the use of Measure C Transit Oriented Development ("TOD") funds to support the DDIP; and

WHEREAS, on December 17, 2015, the City Council of the City of Fresno adopted Ordinance No. 2015-44 relating to the exemption of development impact fees for certain projects in economically disadvantaged neighborhoods and Ordinance No. 2015-45 relating to the exemption of development impact fees for the replacement or reconstruction of existing commercial structures; and

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Date Adopted: 02/25/2016
Date Approved: 02/25/2016
Effective Date: 02/25/2016

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WHEREAS, the adoption of Ordinance No. 2015-44 addresses the City's desire to incentivize development in Downtown Fresno in a way which coincides with the Measure C TOD Program Policy and Guidelines; and

WHEREAS, there is currently \$510,715 in unutilized funds remaining under the Program Eligibility and Funding Agreement; and

WHEREAS, the City would like to relinquish the funds encumbered under the DDIP back to the Measure C TOD Program for reallocation to support TOD eligible projects.

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

SECTION 1. Authorize the City Manager or his designee to negotiate an Amendment to the Program Eligibility and Funding Agreement allowing the unspent DDIP funds to be reallocated to the Measure C TOD Program for eligible projects; and

SECTION 2. Appoints and authorizes the City Manager or his designee as the agent for the City of Fresno to execute and submit all amendment-related documents, materials and certifications necessary in pursuit hereof, subject to prior approval as to form by the City Attorney's Office.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 25th day of February, 2016.

AYES : Baines, Brand, Brandau, Olivier, Quintero, Soria, Caprioglio
NOES : None
ABSENT : None
ABSTAIN : None

YVONNE SPENCE, CMC
City Clerk

BY: *Yvonne Spence*
Deputy

APPROVED AS TO FORM
DOUGLAS T. SLOAN:
City Attorney

BY: *RSB* 2-25-16
RAJ BADHESHA Date

RSB:nd (70331nd/rsb) 01-29-16