

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 12/15/2009 by the following vote:

AYES: ☒ 5
NOES: ☐
ABSENT: ☐
ABSTAIN: ☐
RECUSE: ☐



Resolution No. 2009/573

1) Approving the appropriation of not more than Fifty Thousand Dollars (\$50,000) by the Redevelopment Agency of Contra Costa County (the "Agency") to disburse to the Rodeo Sanitary District (the "District") for the cost of funding a public improvements design program.

2) Making certain findings pursuant to Health and Safety Code Section 33445 in connection with the approval of the assistance by the Agency to the District.

The Board of Directors of the Agency (the "Agency Board") RESOLVES THAT:

Pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.); the "CRL"), the Board of Supervisors of the County of Contra Costa (the "County") has adopted and the Agency is responsible for implementing, among other redevelopment plans, the Redevelopment Plan (the "Redevelopment Plan") for the Rodeo Redevelopment Project Area (the "Project Area"), as adopted by Ordinance No. 90-50 on July 10, 1990, and amended by Ordinance No. 94-66, adopted on December 6, 1994; as further amended by Ordinance No. 99-08, adopted on February 23, 1999; and further amended by Ordinance No. 2002-16, adopted on May 21, 2002. The Redevelopment Plan sets forth a plan for redevelopment of the Project Area.

The Agency is responsible for administering the Redevelopment Plan to cause redevelopment of the Project Area, including removal of blighting conditions in the Project Area. To assist in implementing the Redevelopment Plan and the County's other redevelopment plans, the Agency has adopted and amended a five-year implementation plan (the "Implementation Plan") pursuant to Section 33490 of the Redevelopment Law.

The approximately 12.8 acre Rodeo Marina site, formerly known as Bennett's Marina, is owned by Rodeo LLC, a California limited liability company, and is an integral part of the Rodeo Project Area's waterfront. Rodeo LLC, intends to renovate and expand the existing Rodeo Marina facilities to accommodate multiple uses, which may include: a restaurant, marine repair facility, boat docks, boat storage, boat launch, a new harbor master building, lodging, mixed use commercial, and public access. The restoration of the Rodeo Marina would stimulate redevelopment activities in the waterfront area by expanding the existing uses, thus eliminating blighting conditions.

Rodeo Marina is in need of capital improvements in order create a redevelopment catalyst site within the Rodeo Project Area. Without such rehabilitation and upgrading, the task of redevelopment of the Rodeo Project Area will be impeded. The District lacks the capital resources to fund the design and implementation of the necessary rehabilitation and upgrading of the necessary sewer facilities required to redevelop the Rodeo Marina.

To implement the Redevelopment Plan in a manner consistent with the Implementation Plan, and to further the Agency's and District's mutual objectives for the rehabilitation and upgrading of public improvements in Downtown Rodeo and the Rodeo Marina and in furtherance of the elimination of blight in the Rodeo Project Area, the Agency Board intends to allocate an amount up to Fifty Thousand Dollars (\$50,000) to provide a public facility design grant to pay for the costs associated with the design of the rehabilitation and upgrading of public improvements in Downtown Rodeo and the Rodeo Marina in accordance with the scope of work for designing the needed public improvements (the "Design Program") set forth in the Public Facilities Design Funding Agreement for Rodeo Sanitary District (the "Design Funding Agreement")

The funding of the Design Program pursuant to the requirements set forth in the Design Funding Agreement will address the goals and objectives of the Redevelopment Plan for the Project Area by alleviating blighting conditions and stimulating redevelopment activities in Downtown Rodeo and the Rodeo Marina.

The approval and funding of the Design Funding Agreement is consistent with and will promote the goals and objectives identified in the Agency's Implementation Plan.

In connection with the Agency Board's consideration of this resolution, a staff report (the "Staff Report", incorporated herein by reference), which sets forth facts supporting the findings made in this resolution pursuant to Section 33445 of the CRL, has been prepared to accompany this resolution.

Pursuant to Section 33445 of the CRL, the Agency is authorized, with the consent of the County and the District, to pay part or all of the value of the cost of the Design Program for the public improvements pursuant to the terms of the Design Funding Agreement.

By Resolution No. 2009/574, the County is concurrently giving its consent to the Agency to pay the cost of the Design Program and made the required findings pursuant to Section 33445 of the CRL.

On December 8, 2009 by Resolution No. 2009/05, the District gave its consent to the Agency to pay the cost of the Design Program and made the required findings pursuant to Section 33445 of the CRL.

The Agency has placed on file a copies of the Design Funding Agreement in substantially the form to be executed by the District and the Agency.

NOW, THEREFORE, BE IT RESOLVED, that the Agency Board finds the above recitals true and correct.

BE IT FURTHER RESOLVED, that the Agency Board hereby finds and determines that: (a) the Design Program will be of benefit to the Project Area; (b) no other reasonable method of financing the funding of the Design Program is available to the community; (c) the Design Program will assist in the elimination of one or more blighting conditions inside the Project Area; and (d) Agency assistance for the Design Program is consistent with the Agency's current Implementation Plan. The factual and analytical basis used by the Agency Board in making these findings and determinations is set forth in the Staff Report, and materials regarding the Design Program provided to the Agency Board.

BE IT FURTHER RESOLVED, that the Agency Board hereby approves the payment of Agency Funds to the District for the Design Program as set forth in this resolution.

BE IT FURTHER RESOLVED, the Agency hereby authorizes and directs the Executive Director of the Agency, or the Executive Director's designee, to execute the Design Funding Agreement on behalf of the Agency, substantially in the form on file with the Agency Secretary and the City Clerk, with such revisions as are reasonably determined necessary by the Agency signatory, such determination to be conclusively deemed to have been made by the execution of the Design Funding Agreement by the Agency signatory. The Executive Director of the Agency, or the Executive Director's designee, is authorized to implement the Design Funding Agreement and take all further actions and execute all other documents which are necessary or appropriate to carry out the Design Funding Agreement.

BE IT FURTHER RESOLVED, that the approval of this Resolution, the Design Program, and the Design Funding Agreement is categorically exempt from the requirements of the California Environmental Quality Act pursuant to 14 California Code of Regulations Section 15262, in that the project only involves feasibility or planning studies for possible future actions which have not been approved, adopted or otherwise funded by the Agency.

BE IT FURTHER RESOLVED, that the Agency Board designates the Redevelopment Director as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at 2530 Arnold Drive, Suite 190, Martinez, CA 94553.

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect from and after its passage.

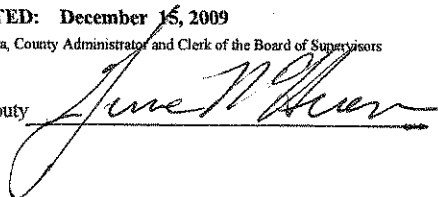
I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Vincent Manuel 335-7232

ATTESTED: December 15, 2009

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy



cc: