

CHAIRMAN: ARISTON JULIAN
AGENCY MEMBER: VIRGINIA PONCE
AGENCY MEMBER: LUPE ALVAREZ
VICE CHAIRMAN: JOHN LIZALDE
AGENCY MEMBER: JOHN SABEDRA

EXECUTIVE DIRECTOR: REGAN M. CANDELARIO
AGENCY COUNSEL: DAVID FLEISHMAN
RECORDING SEC.: ROSA NAREZ
CITY TREASURER: PETRONA AMIDO

AGENDA

GUADALUPE COMMUNITY REDEVELOPMENT AGENCY

Regular Meeting
Tuesday, October 25, 2011

(Immediately Following Regular City Council Meeting)

City Hall, Council Chambers
918 Obispo Street, Guadalupe, California 93434

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting or other services offered by this City, please contact the City Clerk's office, (805) 356-3891. Notification of at least 72 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

*If you wish to speak concerning any item on the agenda, please complete the Request to Speak form that is provided at the rear of the Council Chambers and hand the form to the Recording Secretary. **Note:** Staff Reports, as well as any materials related to items on this agenda submitted after distribution of the agenda packet, are available for inspection at the office of the City Administrator, City Hall, 918 Obispo Street, Guadalupe, California during regular business hours, 8:30 a.m. to 12:00 pm. and 1:00 p.m. to 5:00 p.m., Monday through Friday; telephone (805) 356-3891.*

1. **CALL TO ORDER.** Chairman Ariston Julian.
2. **ROLL CALL.** Agency Members Lupe Alvarez, Virginia Ponce, John Lizalde, John Sabedra and Chairman Ariston Julian.
3. **PLEDGE OF ALLEGIANCE.**
4. **CONSENT CALENDAR.** The following routine items are presented for Agency approval without discussion as a single agenda item in order to expedite the meeting. Should an Agency Member wish to discuss or disapprove an item, it must be dropped from the blanket motion of approval and considered as a separate item.
 - a. **Minutes** for the Regular Agency Meeting of September 27, 2011 to be ordered filed.

5. **COMMUNITY PARTICIPATION FORUM.**

Each person will be limited to a discussion of 3 minutes. Pursuant to provisions of the Brown Act, no action may be taken on these matters unless they are listed on the agenda, or unless certain emergency or special circumstances exist. The RDA may direct Staff to investigate and / or schedule certain matters for consideration at a future RDA Agenda

6. **RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (ROPS) TRANSMITTAL LETTER.** That the Agency Board approve the attached ROPS and directs staff to transmit to the State Department of Finance.

- a. Written Staff Report (Regan M. Candelario)
- b. Agency Board discussion and consideration.
- c. It is recommended that the Agency Board approve the attached ROPS and directs staff to transmit to the State Department of Finance.

7. **BUDGET REVISIONS FOR FISCAL YEAR ENDING JUNE 30, 2011.** That the Agency approve the Budget Revisions and adopt CRA Resolution No. 2011-06.

- a. Written Staff Report (Carolyn Galloway-Cooper)
- b. Agency Board discussion and consideration.
- c. It is recommended that the Agency Board approve the Budget Revision and adopt CRA Resolution No. 2011-06.

8. **ROYAL THEATER PROJECT UPDATE.** That the Agency Board receives an update from staff.

- a. Verbal Report (Regan M. Candelario)
- b. Agency Board discussion and consideration.
- c. That the Agency Board receives an update from staff.

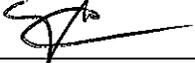
9. **FUTURE AGENDA ITEMS.**

- a. Katayama Clock Estimates.

10. **ANNOUNCEMENTS.**

11. **ADJOURNMENT.**

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing Agenda was posted at the City Hall display case, the Water Department, the City Clerk's Office and Rabobank not less than 72 hours prior to the meeting. Dated this 21st day of October 2011.

By: 

Regan M. Candelario
Executive Director

4a.

MINUTES
GUADALUPE COMMUNITY REDEVELOPMENT AGENCY
Regular Meeting - Tuesday, September 27, 2011
(Immediately Following Regular City Council Meeting)
City Hall, Council Chambers - 918 Obispo Street, Guadalupe, California 93434

1. **CALL TO ORDER.** Chairman Ariston Julian called the meeting to order at 8:02 p.m.
2. **ROLL CALL.** Agency Members Lupe Alvarez, Virginia Ponce, John Sabedra, John Lizalde, and Chairman Ariston Julian.
3. **PLEDGE OF ALLEGIANCE.** *Done.*
4. **CONSENT CALENDAR.** The following routine items are presented for Agency approval without discussion as a single agenda item in order to expedite the meeting. Should an Agency Member wish to discuss or disapprove an item, it must be dropped from the blanket motion of approval and considered as a separate item.
 - a. Minutes for the Regular Agency Meeting of September 13, 2011 to be ordered filed.

AGENCY MEMBERS APPROVE ITEM (a): ALVAREZ/LIZALDE
AYES: 5 (Five) NAYS: 0 (Zero)
ABSTAIN: 0 (Zero) ABSENT: 0 (Zero)

5. **COMMUNITY PARTICIPATION FORUM.** *None.*
6. **ROYAL THEATER PROJECT MANAGER.** That the Agency Board direct staff to develop a contract project manager position and hire a qualified project manager to facilitate the completion of the Royal Theater project in an amount not to exceed \$15,000.
 - a. Written Staff Report. (Regan M. Candelario)
 - b. Agency Board discussion and consideration.
 - c. It is recommended that the Agency Board direct staff to develop a contract project manager position and hire a qualified project manager to facilitate the completion of the Royal Theater project in an amount not to exceed \$15,000.

At 8:04 p.m., Agency Member Lupe Alvarez stepped down from this item due to a conflict of interest since he owns property near the Royal Theater. He also stepped down for the night.

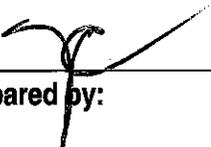
A correction to the report was noted by agency members. There is a mistake toward the end of the report stating the project should not exceed \$20,000, however, it should be \$15,000.

AGENCY MEMBERS DIRECT STAFF TO DEVELOP A CONTRACT PROJECT MANAGER POSITION IN AN AMOUNT NOT TO EXCEED \$15,000: LIZALDE/SABEDRA
AYES: 4 (Four) NAYS: 0 (Zero)
ABSTAIN: 1 (One)(Alvarez) ABSENT: 0 (Zero)

7. **FUTURE AGENDA ITEMS.**
 - a. Katayama Clock Estimates.
8. **ANNOUNCEMENTS.** *None.*
9. **ADJOURNMENT.** Meeting called to a close at 8:15 p.m.

MOTION TO ADJOURN: PONCE/SABEDRA
AYES: 4 (Four) ABSENT: 1 (One) (Alvarez)

REPORT TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF GUADALUPE
Agency Agenda of October 25, 2011


Prepared by:

SUBJECT:

APPROVAL OF A PRELIMINARY DRAFT OF AN INITIAL RECOGNIZED OBLIGATION
PAYMENT SCHEDULE (ROPS).

RECOMMENDATION:

That the Agency Board adopt Resolution No. CRA 2011-07, a Resolution of the Guadalupe Community Redevelopment Agency, approving a preliminary draft of an initial recognized obligation payment schedule.

DISCUSSION:

AB X1 26, which was signed by the Governor of California on June 29, 2011, added Parts 1.8 and 1.85 to the Community Redevelopment Law. Part 1.8 immediately suspends most redevelopment agency activities and, among other things, prohibits redevelopment agencies from incurring indebtedness or entering into or modifying contracts. Part 1.85 provides that on October 1, 2011, all existing redevelopment agencies and redevelopment agency components of community development agencies are dissolved, and successor agencies are designated as successor entities to the former redevelopment agencies. Part 1.85 imposes numerous requirements on the successor agencies and subjects successor agency actions to the review of oversight boards established under Part 1.85.

AB X1 27 was signed by the Governor concurrently with AB X1 26 and added Part 1.9 to the Community Redevelopment Law. Part 1.9 establishes an Alternative Voluntary Redevelopment Program whereby a redevelopment agency will, notwithstanding Parts 1.8 and 1.85, be authorized to continue to exist and carry out the provisions of the Community Redevelopment Law. To opt into the Alternative Voluntary Redevelopment Program, a city must adopt an ordinance by which the city agrees to make specified annual payments to the county auditor-controller for allocation to special districts and educational entities. On August 23, 2011 the City Council adopted Ordinance No. 2011-406 opting into the Alternative Voluntary Redevelopment Program. Section 34169 of Part 1.8 requires an agency to approve a preliminary draft of an initial recognized obligation payment schedule by September 30th. However, Part 1.9 provides that if a city council timely opts into the Alternative Voluntary Redevelopment Program, then the agency will be exempt from the provisions of Parts 1.8 and 1.85. Thus, an agency should only be required to approve a draft recognized obligation payment schedule if the city council has not adopted an opt in ordinance by September 30th. However, the stay issued by the California Supreme Court, discussed below, means all agencies must approve a preliminary draft of a recognized obligation payment schedule by September 30th even if the council has adopted an opt in ordinance.

The California Redevelopment Association and League of California Cities have filed a lawsuit in the Supreme Court of California alleging that AB X1 26 and AB X1 27 are unconstitutional. On August 11, 2011, the Supreme

Court of California decided to hear the case and set a briefing schedule designed to allow the Supreme Court to decide the case before January 15, 2012. On August 11, 2011, the Supreme Court also issued a stay order, which was subsequently modified on August 17, 2011. Pursuant to the modified stay order, the Supreme Court granted a stay of all AB X1 27 (i.e., Part 1.9), except for Health and Safety Code Section 34194(b)(2) (relating to the determination of cities' fiscal year 2011-12 remittance amounts) and a partial stay of AB X1 26. With respect to AB X1 26, Part 1.85 was stayed in its entirety, but Part 1.8 (including Health and Safety Code Section 34169) was not stayed. Thus, the requirements of Part 1.8, including the requirement to prepare a preliminary draft of an initial recognized obligation payment schedule, are applicable because the provisions of Part 1.9, which exempts agencies from the provisions of Part 1.8 upon adoption of an opt in ordinance, have been stayed.

Accordingly, Staff recommends that the Agency approve the preliminary draft of a recognized obligation payment schedule.

FISCAL IMPACTS:

None.

Attached:

Resolution No. CRA No. 2011-07 and Exhibit A.

RESOLUTION NO. CRA 2011-07

A RESOLUTION OF THE GUADALUPE COMMUNITY REDEVELOPMENT AGENCY APPROVING A PRELIMINARY DRAFT OF AN INITIAL RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO PART 1.8 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH.

RECITALS:

- A. The Guadalupe Community Redevelopment Agency (the "Agency") is a redevelopment agency in the City of Guadalupe (the "City"), created pursuant to the Community Redevelopment Law (Part 1(commencing with Section 33000) of Division 24 of the California Health and Safety Code) (the "Redevelopment Law").
- B. The City Council of the City (the "City Council") adopted Ordinance No. 85-263, approving and adopting the redevelopment plan for Project Area No. 1, and from time to time, the City Council has amended such redevelopment plan. The Agency is and has been undertaking a program to redevelop the Project Area.
- C. AB X1 26 was signed by the Governor of California on June 29, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170) to Division 24 of the California Health and Safety Code. Commencing upon the effectiveness of AB X1 26, AB X1 26 suspends most redevelopment agency activities and, among other things, prohibits redevelopment agencies from incurring indebtedness or entering into or modifying contracts. Effective October 1, 2011, AB X1 26 dissolves all existing redevelopment agencies and redevelopment agency components of community development agencies, designates successor agencies to the former redevelopment agencies, imposes numerous requirements on the successor agencies and subjects successor agency actions to the review of oversight boards established pursuant to the provisions of Part 1.85.
- D. Health and Safety Code Section 34169(h), which is set forth in part 1.8, requires a redevelopment agency to prepare a preliminary draft of an initial recognized obligation payment schedule by no later than September 30, 2011, and provide it to the successor agency, if a successor agency is established pursuant to Part 1.85. The initial recognized obligation payment schedule must set forth the minimum payment amounts and due dates of payments required by enforceable obligations for the six-month period from January 1, 2012 through June 30, 2012.
- E. AB X127 was signed by the Governor of California on June 29, 2011 adding Part 1.9 (commencing with section 34192) to Division 24 of the California Health and Safety Code. Part 1.9 establishes an Alternative Voluntary Redevelopment Program whereby, notwithstanding the provisions of Part 1.8 and Part 1.85, a redevelopment agency will be authorized to continue to exist and carry out the provisions of the Redevelopment Law upon the enactment, prior to the applicable deadline established in Part 1.9 (with the earliest deadline being October 1, 2011), by the city council of the city which includes that redevelopment agency of an ordinance to comply with Part 1.9. Pursuant to Health and Safety Code Section 34192, if a city participates in the Alternative Voluntary Redevelopment Program and complies with all requirements and obligations contained in Part 1.9, the redevelopment agency in that city will be exempt from Part 1.8 and Part 1.85.
- F. The California Redevelopment Association and League of California Cities have filed a lawsuit in the

Supreme Court of California alleging that AB X1 26 and AB X1 27 are unconstitutional. On August 11, 2011, the Supreme Court of California decided to hear the case and set a briefing schedule designed to allow the Supreme Court to decide the case before January 15, 2012. On August 11, 2011, the Supreme Court also issued a stay order, which was subsequently modified on August 17, 2011. Pursuant to the modified stay order, the Supreme Court granted a stay of all of AB X1 27 (i.e., Part 1.9), except for Health and Safety Code Section 34194(b)(2) (relating to the determination of cities' fiscal year 2011-2012 remittance amounts) and a partial stay of AB X1 26. With respect to ABX1 26, Part 1.85 was stayed in its entirety, but Part 1.8 (including Health and Safety Code Section 34169) was not stayed. Accordingly, the Agency desires to approve a preliminary draft of an initial recognized obligation payment schedule.

NOW, THEREFORE, THE GUADALUPE COMMUNITY REDEVELOPMENT AGENCY HEREBY FINDS,
DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:

- Section 1. The above recitals are true and correct and are a substantive part of this Resolution.
- Section 2. This Resolution is adopted pursuant to Health and Safety Code Section 34169.
- Section 3. The Agency hereby approves the preliminary draft of the initial recognized obligation payment schedule substantially in the form attached as Exhibit A to this Resolution and incorporated herein by reference (the "ROPS"). The Executive Director of the Agency, in consultation with the Agency's legal counsel, may modify the ROPS as the Executive Director or the Agency's legal counsel deems necessary or advisable.
- Section 4. The Agency Secretary is hereby authorized and directed to transmit a copy of the ROPS to the successor agency designated pursuant to Part 1.85 if a successor agency has been designated.
- Section 5. The agency hereby designates the Director of Finance of the City of Guadalupe as the official to whom the Department of Finance may make requests for review in connection with the ROPS and who shall provide the Department of Finance with the Telephone number and e-mail contact information for the purpose of communicating with the Department of Finance.
- Section 6. The officers and staff of the Agency are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable to effectuate this Resolution, and any such actions previously taken by such officers are hereby ratified and confirmed.
- Section 7. The approval of the ROPS is not intended and shall not constitute a waiver by the Agency of any rights the Agency may have to challenge the legality of all or any portion of AB X1 26 or AB X1 27 through administrative or judicial proceedings.
- Section 8. The Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq., hereafter the "Guidelines"), and the Agency's environmental guidelines. The Agency has determined that this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment. (Guidelines Section 15378(b) (5)).

PASSED AND ADOPTED this 25th day of October 2011.

Ariston Julian, Chairman

Rosie Narez, Agency Secretary

I, Rosie Narez, Agency Secretary of the Guadalupe Community Redevelopment Agency, hereby certify that the above Resolution No. CRA 2011-07 was duly and regularly passed and adopted by the said Board at regular meeting thereof held on October 25, 2011.

Rosie Narez, Agency Secretary

**PRELIMINARY DRAFT OF RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE
FOR THE RANCHO GUADALUPE REDEVELOPMENT PROJECT,
FOR THE
CITY OF GUADALUPE COMMUNITY REDEVELOPMENT AGENCY**

Via Overnight Mail and Electronic Mail
redvelopment_administration@dof.ca.gov

September 30, 2011

Department of Finance
State of California
Redevelopment Administration
915 L Street
Sacramento, CA 95814

The City of Guadalupe Redevelopment Agency ("Agency") is transmitting its preliminary draft of the initial Recognized Obligations Payment Schedule ("ROPS") pursuant to Section 34169 (i) of the Health and Safety Code to the Department of Finance ("Department"). The Agency has prepared this preliminary draft of the initial ROPS pursuant to Section 34177 (l)(1) of the Health and Safety Code.

The Agency is requesting a review of the preliminary draft of the initial ROPS by the Department. Please contact Carolyn Galloway-Cooper, Finance Director at 805-356-3895 and carolyn@ci.guadalupe.ca.us, if you have any questions.

Respectfully,

Regan M. Candelario
City Administrator and
Executive Director
City of Guadalupe

RESOLUTION NO. CRA 2011-06

A RESOLUTION OF THE GUADALUPE REDEVELOPMENT AGENCY ADOPTING A BUDGET REVISION FOR THE FISCAL YEAR 2010/2011

WHEREAS, a Budget Revision for the Guadalupe Redevelopment Agency for Fiscal Year 2010-2011 has been prepared; and

WHEREAS, the Revision has been studied and approved by the Guadalupe Redevelopment Agency;

BE IT RESOLVED, by the Guadalupe Redevelopment Agency that:

The Budget Revision for the Guadalupe Redevelopment Agency for Fiscal Year 2010 - 2011 is adopted. (ATTACHMENT A)

PASSED, APPROVED AND ADOPTED this 25th day of October 2011.

Ariston Julian, Chairman

ATTEST:

Rosa Narez, City Clerk

I, **Rosa Narez**, City Clerk of the City of Guadalupe **DO HEREBY CERTIFY** that the foregoing is a full, true and correct copy of **Resolution No. CRA 2011-06** which is duly and regularly introduced and adopted by said Agency at a regular meeting held **October 25, 2011** by the following vote: **Motion:**

AYES:

NOES:

ABSENT:

ABSTAIN:

Rosa Narez, City Clerk

City of Guadalupe
GASB 54: Funds to close
FY: 10/11

egc: 10 12 11

ATTACHMENT A

Fiscal Year: 2011
Fund Balance

FUND BALANCE					
Account # DR				Account # CR	
19	4452	5000	38,832.66	1	3818
25	4503	5000	716.88	1	3862
37	4329	5000	1,312.40	1	3814
5	4431	5000	110.95	1	3856
44	4212	5000	38.32	1	3857
61	4473	5000	994.48	1	3808
62	4471	5000	7,215.00	1	3808
63	4467	5000	12,955.00	1	3808
70	4455	5000	<u>897.00</u>	1	3821
TOTAL:			<u>63,072.69</u>		

Close to RITA's Balance					
46	4520	5030	995,553	26	3850
47	4530	5030	33,720	26	3854
TOTAL:			<u>1,029,273</u>		