

BILL NO. B-13ORDINANCE NO. 2008-9

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE TIME LIMITS ON THE EFFECTIVENESS OF, AND EXTENDING THE TIME LIMIT FOR PAYMENT OF INDEBTEDNESS AND RECEIPT OF PROPERTY TAXES UNDER, THE AIRPORT AREA REVITALIZATION, CENTRAL BUSINESS DISTRICT, CENTRAL CITY, CHINATOWN (INCLUDING WEST FRESNO BUSINESS DISTRICT), CONVENTION CENTER, FRESNO AIR TERMINAL, FRUIT/CHURCH, FULTON, FREEWAY 99-GOLDEN STATE BOULEVARD CORRIDOR, JEFFERSON, MARIPOSA, ROEDING BUSINESS PARK, SOUTH VAN NESS, SOUTHEAST FRESNO, SOUTH FRESNO INDUSTRIAL, SOUTHWEST FRESNO GENERAL NEIGHBORHOOD, WEST FRESNO PROJECT ONE, AND WEST FRESNO PROJECT TWO REDEVELOPMENT PLANS ("REDEVELOPMENT PLANS") PURSUANT TO HEALTH & SAFETY CODE SECTIONS 33333.2 AND 33333.6 AND MAKING FINDINGS IN CONNECTION THEREWITH.

WHEREAS, the Redevelopment Agency of the City of Fresno ("Agency") is a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 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 Fresno ("City Council"); and

WHEREAS, on June 29, 1999, by Ordinance No. 99-44, the City Council approved and adopted a redevelopment plan for the Airport Area Revitalization Redevelopment Project, in compliance with the provisions of the CRL ("Airport Project"); and

WHEREAS, on March 16, 1961, by Ordinance No. 5891, the City Council adopted a redevelopment plan for the Central Business District Project One Urban Renewal Plan and subsequently amended the redevelopment plan by way of Ordinances 6282 adopted on April 18, 1963, 6316 adopted on August 1, 1963, 6596 adopted on March 25, 1965, 6923 adopted on December 1, 1966, 67-35 adopted on June 1, 1967, 67-76 adopted on August 3, 1967, 69-06 adopted on January 9, 1969, 73-19 adopted on January 11, 1973, 73-159 adopted on October 25, 1973, 78-41 adopted on March 21, 1978, 86-199 adopted on December 16, 1986, 94-32 adopted on May 3, 1994, 94-115 adopted on December 6, 1994, and 98-44 adopted on June 30, 1998, in compliance with the provisions of the CRL ("Central Business Project"); and

Adopted 2/26/08
 Approved 2/26/08
 Effective 3/27/08



WHEREAS, on July 19, 1999, by Ordinance No. 99-46, the City Council adopted a redevelopment plan for the Central City Commercial Revitalization Redevelopment Plan, in compliance with the provisions of the CRL ("Central City Project"); and

WHEREAS, on July 22, 1965, by Ordinance No. 6663, the City Council adopted a redevelopment plan for the West Fresno Business District Rehabilitation Project ("West Fresno Business District Project"), and subsequently amended the redevelopment plan by way of Ordinance 86-13 adopted on January 28, 1986 [adding territory to the West Fresno Business District Project and renaming the added territory as the Chinatown Expanded Community Redevelopment Plan], and further amended the Chinatown Expanded Community Redevelopment Plan by way of Ordinances 94-116, 98-45, and 2006-40, adopted on December 6, 1994, June 30, 1998, and April 4, 2006, respectively, in compliance with the provisions of the CRL ("Chinatown Expanded Project"); and

WHEREAS, the West Fresno Business District Project was further amended by Ordinance 94-117 adopted December 6, 1994; and

WHEREAS, the time limit on effectiveness and the time limit for payment of indebtedness and receipt of property taxes for the West Fresno Business District Project are calculated separately from the time limits applicable to the Chinatown Expanded Project; and

WHEREAS, on January 12, 1982, by Ordinance No. 82-6, the City Council adopted a redevelopment plan for the Convention Center Redevelopment Project Area and subsequently amended the redevelopment plan by way of Ordinances 94-118, 98-46, and 2005-120 adopted on December 6, 1994, June 30, 1998, and October 11, 2005, respectively, in compliance with the provisions of the CRL ("Convention Center Project"); and

WHEREAS, on July 18, 1988, by Ordinance No. 88-96, the City Council adopted a redevelopment plan for the Fresno Air Terminal Redevelopment Area and subsequently amended the redevelopment plan by way of Ordinance 94-123 adopted on December 6, 1994, in compliance with the provisions of the CRL ("Fresno Air Terminal Project"); and

WHEREAS, on October 7, 1971, by Ordinance No. 71-98, the City Council adopted a redevelopment plan for the Fruit/Church Project and subsequently amended the redevelopment plan by way of Ordinances 86-205, 94-113, 95-48 and 98-83 adopted on December 16, 1986, December 6, 1994, June 13, 1995 and June 30, 1998, respectively, in compliance with the provisions of the CRL ("Fruit/Church Project"); and

WHEREAS, on June 30, 1998, by Ordinance No. 98-42, the City Council adopted a redevelopment plan for the Fulton Redevelopment Project, in compliance with the provisions of the CRL ("Fulton Project"); and

WHEREAS, on June 24, 2003, by Ordinance No. 2003-53, the City Council adopted a redevelopment plan for the Freeway 99-Golden State Boulevard Corridor Redevelopment Project, in compliance with the provisions of the CRL ("Freeway 99 Project"); and



WHEREAS, on December 18, 1984, by Ordinance No. 84-182, the City Council adopted a redevelopment plan for the Jefferson Area Redevelopment Plan and subsequently amended the redevelopment plan by way of Ordinances 94-119, 95-18, and 98-47 adopted on December 6, 1994, February 28, 1995 and June 30, 1998, respectively, in compliance with the provisions of the CRL ("Jefferson Project"); and

WHEREAS, on January 14, 1969, by Ordinance No. 69-11, the City Council adopted a redevelopment plan for the Mariposa Project and subsequently amended the redevelopment plan by way of Ordinances 72-26 adopted on April 20, 1972, 75-124 adopted on December 4, 1975, 79-112 adopted on June 19, 1979, 82-78 adopted on August 3, 1982, 86-204 adopted on December 16, 1986, 88-23 adopted on February 2, 1988, 88-116 adopted on September 13, 1988, 92-55 adopted on July 28, 1992, 94-112 adopted on December 6, 1994, 95-19 adopted on February 28, 1995 and 98-48 adopted on June 30, 1998, in compliance with the provisions of the CRL ("Mariposa Project"); and

WHEREAS, on July 16, 1996, by Ordinance No. 96-53, the City Council adopted a redevelopment plan for the Roeding Business Park Redevelopment Project and subsequently amended the redevelopment plan by way of Ordinance 2002-69 adopted on December 17, 2002, in compliance with the provisions of the CRL ("Roeding Business Park Project"); and

WHEREAS, on June 30, 1998, by Ordinance No. 98-43, the City Council adopted a redevelopment plan for the South Van Ness Redevelopment Project, in compliance with the provisions of the CRL ("South Van Ness Project"); and

WHEREAS, on June 29, 1999, by Ordinance No. 99-45, the City Council adopted a redevelopment plan for the Southeast Fresno Revitalization Redevelopment Project, in compliance with the provisions of the CRL ("Southeast Fresno Project"); and

WHEREAS, on June 29, 1999, by Ordinance No. 99-43, the City Council adopted a redevelopment plan for the South Fresno Industrial Revitalization Redevelopment Project, in compliance with the provisions of the CRL ("South Fresno Project"); and

WHEREAS, on January 14, 1969, by Ordinance No. 69-13, the City Council adopted a redevelopment plan for the Southwest Fresno General Neighborhood Renewal Area Project and subsequently amended the redevelopment plan by way of Ordinances 72-126 adopted on August 17, 1972, 83-32 adopted on March 1, 1983, 86-203 adopted on December 16, 1986, 94-114 adopted on December 6, 1994, 98-82 adopted on June 30, 1998, and 2004-108 adopted on October 19, 2004, in compliance with the provisions of the CRL ("Southwest Fresno Project"); and

WHEREAS, on October 1, 1964, by Ordinance No. 6517, the City Council adopted a redevelopment plan for the West Fresno Project One Urban Renewal Plan and subsequently amended the redevelopment plan by way of Ordinances 6601 adopted on June 1, 1965, 71-48 adopted on May 6, 1971, 77-46 adopted on May 10, 1977, 86-200 adopted on December 16, 1986, 94-120 adopted on December 6, 1994, and 98-49 adopted on June 30, 1998, in compliance with the provisions of the CRL ("West Fresno I Project"); and



WHEREAS, on December 19, 1963, by Ordinance No. 6384, the City Council adopted a redevelopment plan for the West Fresno Project Two Urban Renewal Plan and subsequently amended the redevelopment plan by way of Ordinances 67-14, 86-201, 94-121 and 98-50 adopted on April 13, 1967, December 16, 1986, December 6, 1994 and June 30, 1998, respectively, in compliance with the provisions of the CRL ("West Fresno II Project"); and

WHEREAS, the "Existing Plans" consist of the Redevelopment Plans, as amended, prepared for the Airport Project, Central Business Project, Central City Project, Chinatown Expanded Project (including the West Fresno Business District Project), Convention Center Project, Fresno Air Terminal Project, Fruit/Church Project, Fulton Project, Freeway 99 Project, Jefferson Project, Mariposa Project, Roeding Business Park Project, South Van Ness Project, Southeast Fresno Project, South Fresno Project, Southwest Fresno Project, West Fresno I Project and the West Fresno II Project, and the territory included within the Existing Plans is referred to as the "Project Areas"; and

WHEREAS, the California legislature enacted Senate Bill 1045 in 2004 ("SB 1045"), which requires, for fiscal year 2003-04, each redevelopment agency to remit a portion of tax increment revenue otherwise receivable by such agency to the Educational Revenue Augmentation Fund ("ERAF") for the county in which such agency is located; and

WHEREAS, SB 1045 also allows a redevelopment agency which remits tax increment to the appropriate county ERAF in accordance therewith, to extend the effectiveness of certain redevelopment plans and the time limit to receive property tax increment and pay indebtedness by one year, as further set forth in Health and Safety Code section 33333.2 and 33333.6; and

WHEREAS, the California legislature enacted Senate Bill 1096 in 2004 ("SB 1096"), which requires, for fiscal years 2004-05 and 2005-06, each redevelopment agency to remit a portion of tax increment revenue otherwise receivable by such agency to the Educational Revenue Augmentation Fund ("ERAF") for the county in which such agency is located; and

WHEREAS, SB 1096 also allows a redevelopment agency which remits tax increment to the appropriate county ERAF in accordance therewith, to extend the effectiveness of certain redevelopment plans and the time limit to receive property tax increment and pay indebtedness by one year for each year in which such agency remits the applicable tax increment funds to the county ERAF, upon making certain findings and giving public notice of such amendment, as further set forth in Health and Safety Code section 33333.2(d) and 33333.6(e); and

WHEREAS, SB 1045 and SB 1096 further provide that the ordinance amending the redevelopment plans may be adopted without compliance with the normal procedures for redevelopment plan amendments; and

WHEREAS, the Agency remitted the following required amounts of tax increment to the Fresno County ERAF pursuant to SB 1045 and SB 1096: \$361,380 for fiscal year 2003-04 on March 20, 2004, \$862,784 for fiscal year 2004-05 on March 30, 2005 and \$949,449 for fiscal year 2005-06 on March 17, 2006, as further detailed in Exhibit "A" attached hereto and incorporated herein; and



WHEREAS, the City desires to adopt an ordinance extending the effectiveness of each of the Airport, Central City, Freeway 99, Fresno Air Terminal, Fulton, Roeding Business Park, South Van Ness, Southeast Fresno, and South Fresno Redevelopment Plans by one year, and extending the last date to receive tax increment and pay indebtedness applicable to each of the Airport, Central City, Freeway 99, Fresno Air Terminal, Fulton, Roeding Business Park, South Van Ness, Southeast Fresno, and South Fresno Redevelopment Plans by one year, by an amendment adopted pursuant to SB 1045; and

WHEREAS, the City desires to adopt an ordinance extending the effectiveness of the Chinatown Expanded Redevelopment Plan by two years, and extending the last date to receive tax increment and pay indebtedness applicable to the Chinatown Expanded Redevelopment Plan by two years, by an amendment adopted pursuant to SB 1045 and SB 1096; and

WHEREAS, the City desires to adopt an ordinance extending the effectiveness of each of the Central Business District, Mariposa, West Fresno I, West Fresno II, Fruit/Church, Southwest Fresno, Convention Center, Jefferson, and West Fresno Business District Redevelopment Plans by three years, and extending the last date to receive tax increment and pay indebtedness applicable to each of the Central Business District, Mariposa, West Fresno I, West Fresno II, Fruit/Church, Southwest Fresno, Convention Center, Jefferson, and West Fresno Business District Redevelopment Plans by three years, by an amendment adopted pursuant to SB 1045 and SB 1096; and

WHEREAS, the City has reviewed evidence of compliance of the Convention Center, Jefferson, and Chinatown Expanded Redevelopment Plans with (i) the requirements of Health and Safety Code sections 33334.2 and 33334.6, as applicable, regarding the set-aside of twenty percent (20%) of tax increment revenue into a Low and Moderate Income Housing Fund; and (ii) the requirement for adoption of implementation plans in accordance with the requirements of Health and Safety Code Section 33490, and (iii) the requirements of Health and Safety Code section 33413, subdivisions (a) and (b); and (iv) the requirements of Health and Safety Code section 33334.12 regarding the expenditure of Low and Moderate Income Housing Fund monies within the time frames specified therein, and finds that the Convention Center Redevelopment Plan, Jefferson Redevelopment Plan, and Chinatown Expanded Redevelopment Plan are in compliance with all such statutory requirements; and

WHEREAS, the City has reviewed evidence regarding the source of funds used to make the 2003-04, 2004-05, and 2005-06 payments to the Fresno County ERAF pursuant to Health and Safety Code Section 33681.12 and the uses as to which such funds would have been made had such payments to the Fresno County ERAF not been required, and finds that the funds used to make such payments pursuant to Section 33681.12 would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Existing Plans; and

WHEREAS, pursuant to public notice mailed to each affected taxing entity at least thirty (30) days prior to the public hearing on the amendments to the Existing Plans made in this Ordinance (the "Amendments") and published in a newspaper of general circulation at least ten



(10) days prior to the public hearing on the Amendments, a full and fair public hearing has been held on the Amendments and the City has considered all written and all oral comments and testimony relating thereto and has been fully advised thereon; and

WHEREAS, the City has taken all other actions required by law to prepare and present the proposed Amendments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FRESNO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amendment of Redevelopment Plans. The proposed Amendments, including all related documents, correspondence and transmittals, copies of which are on file in the office of the City Clerk, is hereby approved, and the expiration dates for each of the Existing Plans and last dates for receiving tax increment and paying indebtedness are as set forth below:

Airport Area Revitalization Redevelopment Project

Expiration Date: July 19, 2030
Last Date to Receive Tax Increment: July 19, 2045

Central Business District Project One Urban Renewal Plan

Expiration Date: January 1, 2012
Last Date to Receive Tax Increment: January 1, 2022

Central City Commercial Revitalization Redevelopment Plan

Expiration Date: August 24, 2030
Last Date to Receive Tax Increment: August 24, 2045

Chinatown Expanded Redevelopment Plan

Chinatown Expanded Project Area

Expiration Date: February 28, 2028
Last Date to Receive Tax Increment: February 28, 2038

West Fresno Business District Project Area

Expiration Date: January 1, 2012
Last Date to Receive Tax Increment: January 1, 2022

Convention Center Redevelopment Project Area

Expiration Date: January 12, 2025
Last Date to Receive Tax Increment: January 12, 2035



Community Redevelopment Plan for the Fresno Air Terminal Redevelopment Area

Expiration Date: July 18, 2029
Last Date to Receive Tax Increment: August 18, 2029

Redevelopment Plan for the Fruit/Church Project

Expiration Date: October 7, 2014
Last Date to Receive Tax Increment: October 7, 2024

Fulton Redevelopment Project

Expiration Date: July 6, 2029
Last Date to Receive Tax Increment: July 6, 2044

Freeway 99-Golden State Boulevard Corridor Redevelopment Project

Expiration Date: July 5, 2034
Last Date to Receive Tax Increment: July 5, 2049

Jefferson Area Redevelopment Project

Expiration Date: December 18, 2027
Last Date to Receive Tax Increment: December 18, 2037

Urban Renewal Plan for the Mariposa Project

Expiration Date: January 14, 2012
Last Date to Receive Tax Increment: January 14, 2022

Roeding Business Park Redevelopment Project

Expiration Date: July 16, 2037
Last Date to Receive Tax Increment: July 16, 2042

South Van Ness Redevelopment Project

Expiration Date: July 6, 2029
Last Date to Receive Tax Increment: July 6, 2044

Southeast Fresno Revitalization Redevelopment Project

Expiration Date: July 12, 2030
Last Date to Receive Tax Increment: July 12, 2045



South Fresno Industrial Revitalization Redevelopment Project

Expiration Date: July 12, 2030

Last Date to Receive Tax Increment: July 12, 2045

Southwest Fresno General Neighborhood Renewal Area Project

Expiration Date: January 14, 2012

Last Date to Receive Tax Increment: January 14, 2022

West Fresno Project One Urban Renewal Plan

Expiration Date: January 1, 2012

Last Date to Receive Tax Increment: January 1, 2022

West Fresno Project Two Urban Renewal Plan

Expiration Date: January 1, 2012

Last Date to Receive Tax Increment: January 1, 2022

Section 2. CEQA. Pursuant to Section 15061(b)(3), Council finds that extension of the relevant plans pursuant to this Ordinance is not subject to CEQA on the basis that it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. This finding is based on the holding in *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal. 4th 372 and the fact that the adoption of this Ordinance will not affect the existing planned land uses and that any foreseeable indirect impact is too speculative to analyze.

Section 3. Certification. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Amendment.

Section 4. Effect of Amendment. Except as expressly provided in this Ordinance, the Redevelopment Plans, as previously amended, shall remain unchanged and in full force and effect.

Section 5. Partial Invalidity; Severability. If any part of this Ordinance or the Amendments which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Amendments, and this City Council hereby declares that it would have passed the remainder of the Ordinance or approved the remainder of the Amendments if such invalid portion thereof had been deleted.

Section 6. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after adoption.



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

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 26th day of February, 2008.

AYES : Dages, Duncan, Perea, Sterling, Westerlund, Xiong
NOES : None
ABSENT : Calhoun
ABSTAIN : None

Mayor Approval: _____ N/A _____, 2008

Mayor Approval/No Return: _____ N/A _____, 2008

Mayor Veto: _____ N/A _____, 2008

Council Override Vote: _____ N/A _____, 2008

REBECCA E. KLISCH
City Clerk

BY: Rebecca E. Klisch
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: Ronnie A. Fredis
Deputy

LAA:cs[40996cs/ORD]-01/28/08



Redevelopment Agency
ERAF Payment Allocation to Project Areas

Project Area	Payment Allocation			Totals
	FY 2003-2004	FY 2004-2005	FY 2005-2006	
Central Business District	1,059.34	1,954.29	43,216.03	46,229.66
Fruit/Church	15,109.70	33,072.99	29,851.26	78,033.96
Mariposa	37,191.35	63,734.17	64,745.39	165,670.92
Southwest Fresno	108,934.93	185,275.10	176,735.88	470,945.92
West Fresno #1	10,007.58	17,772.34	17,917.80	45,697.73
West Fresno #2	36,048.81	64,167.34	45,938.32	146,154.47
West Fresno #3	0.00	0.00	0.00	0.00
Convention Center	21,636.33	34,292.38	36,576.97	92,505.69
Jefferson	13,470.18	12,640.83	12,364.81	38,475.82
Chinatown	15,238.34	24,170.28	19,266.20	58,674.82
West Fresno Rehab	558.28	1,325.53	1,819.34	3,703.15
Fresno Air Terminal/FATRA	13,275.33	44,724.26	38,053.69	96,053.27
Roeding Business Park	14,824.78	31,445.05	32,561.25	78,831.08
South Van Ness	2,170.60	0.00	9,273.06	11,443.66
Fulton	8,289.19	17,569.63	16,183.06	42,041.89
Airport Area Revitalization	59,728.09	137,960.75	199,367.32	397,056.15
Southeast Fresno	2,097.52	140,308.37	143,625.83	286,031.72
South Fresno Industrial	41.80	48,232.24	37,064.73	85,338.77
Central City	1,697.85	4,138.12	24,887.86	30,723.83
	361,380.00	862,783.68	949,448.82	2,173,612.50