



BILL NO. B-16

ORDINANCE NO. 2009-15

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA ADOPTING AMENDMENTS TO TWO REDEVELOPMENT PLANS WITHIN MERGER NUMBER TWO REDEVELOPMENT PROJECT, INCLUDING THE SOUTHWEST FRESNO GENERAL NEIGHBORHOOD RENEWAL AREA PROJECT AND THE REDEVELOPMENT PLAN FOR THE FRUIT/CHURCH PROJECT, PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2) DELETING THE DEBT INCURRENCE TIME LIMIT

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 January 14, 1969, by Ordinance No. 69-13, the City Council adopted a redevelopment plan entitled the "Urban Renewal Plan for the Southwest Fresno General Neighborhood Renewal Area" Project Area and subsequently amended the redevelopment plan seven (7) times 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 November 16, 1998, 2004-108 adopted on October 20, 2004, and 2008-9 adopted on February 26, 2008, in compliance with the provisions of the CRL (the "Southwest Fresno Redevelopment Plan", and included in the "Existing Plans"); and

WHEREAS, on October 7, 1971, by Ordinance No. 71-98, the City Council adopted the Redevelopment Plan for the Fruit/Church Project and subsequently amended the redevelopment plan six (6) times by way of Ordinances 86-205 adopted on December 16, 1986, 94-113 adopted on December 6, 1994, 95-48 adopted on June 13, 1995, 98-83 adopted on November 16, 1998, 2004-109 adopted on October 20, 2004, and 2008-9 adopted on February 26, 2008, in compliance with the provisions of the CRL (the "Fruit/Church Redevelopment Plan" and included in the "Existing Plans"); and

WHEREAS, CRL Section 33333.6 was amended by the inclusion of Section 33333.6(e)(2)(B), effective January 1, 2002, to provide that as to redevelopment plans originally adopted before January 1, 1994, the City Council may enact an ordinance eliminating the deadline on the establishment of loans, advances, and indebtedness, which was formerly required by CRL Section 33333.6, and to further provide that such ordinance may be adopted without compliance with the CRL relating to the amendment of redevelopment Plans including Section 33354.6 and Article 12 of the CRL, except that the Redevelopment Agency must begin making certain payments of portions of the Agency's tax increment to affected taxing entities required by CRL Section 33607.7; and

WHEREAS, pursuant to Section 33333.6(e)(2), the Agency desires to eliminate the time limit for establishing loans, advances and indebtedness in the Existing Plans.

Adopted 4/7/09  
Approved 4/9/09  
Effective 5/9/09

2009-15



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

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein.

Section 2. 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, are hereby approved, and the Plans are hereby amended to delete from the Plans any and all time limits stated in the Plans that place, or purport to place, on the Agency, any deadline on the establishment of loans, advances, and indebtedness with respect to the Redevelopment Plans or Project Areas.

Section 2.1 The Debt Incurrence Time Limit established by Ordinance No. 98-82 to establish loans, advances and indebtedness in the Southwest Fresno General Neighborhood Renewal Area Project is hereby eliminated and the Agency is hereby authorized to incur indebtedness and any other obligations with respect to the Redevelopment Plan in accordance with all remaining provisions at any time during which the Redevelopment Plan is effective.

Section 2.2. The Debt Incurrence Time Limit established by Ordinance No. 98-83 to establish loans, advances and indebtedness in the Redevelopment Plan for the Fruit/Church Project is hereby eliminated and the Agency is hereby authorized to incur indebtedness and any other obligations with respect to the Redevelopment Plan in accordance with all remaining provisions at any time during which the Redevelopment Plan is effective.

Section 3. Compliance with Health and Safety Code. The City Council finds and determines that the amendments to the Plans as adopted by this ordinance are in compliance with the time limitation provisions set forth in Section 33333.6 of the Health and Safety Code.

Section 4. 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 Amendments.

Section 5. Effect of Amendments. It is hereby found and determined that the foregoing Amendments are necessary and desirable. Except as expressly provided in this Ordinance, the Existing Plans, as previously amended, shall remain unchanged and in full force and effect.

Section 6. Partial Invalidity; Severability. If any part of this Ordinance or the Amendments that 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 7. The Executive Director of the Redevelopment Agency shall notify the appropriate public entities of the adoption of this Ordinance.

Section 8. 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 City Council of the City of Fresno, at a regular meeting held on the 7th day of April, 2009.

AYES : Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling  
NOES : None  
ABSENT : None  
ABSTAIN : None

Mayor Approval: \_\_\_\_\_ April 9 \_\_\_\_\_, 2009  
Mayor Approval/No Return: \_\_\_\_\_ N/A \_\_\_\_\_, 2009  
Mayor Veto: \_\_\_\_\_ N/A \_\_\_\_\_, 2009  
Council Override Vote: \_\_\_\_\_ N/A \_\_\_\_\_, 2009

REBECCA E. KLISCH  
City Clerk

By: Rebecca Klisch  
Deputy

APPROVED AS TO FORM:  
JAMES C. SANCHEZ  
City Attorney

By: James C. Sanchez  
Deputy



April 8, 2009

Council Adoption: 4/07/09  
Mayor Approval:  
Mayor Veto:  
Override Request:

TO: MAYOR ASHLEY SWEARENGIN

RECEIVED

FROM: REBECCA E. KLISCH, CMC  
City Clerk

REC  
2009 APR 10 PM 1:08  
CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 4/7/09, Council adopted the attached Ordinance No. 2009-15 entitled **Adopting amndmnts to 2 Redevelopment Agency projects**, Item No. **1L**, by the following vote:

Ayes	:	Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling
Noes	:	None
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before April 20, 2009. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

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**APPROVED:**

**VETOED** for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

\_\_\_\_\_

Ashley Swearengin, Mayor

Date: 4/9/09

**COUNCIL OVERRIDE ACTION:**

Date: \_\_\_\_\_

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	