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AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA AMENDING
THE REDEVELOPMENT PLAN FOR THE CONVENTION CENTER
REDEVELOPMENT PROJECT AREA

Ordinance No. 2005-120

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Duncan SECONDED BY Westerlund

BILL NO. B-118
ORDINANCE NO. 2005-120

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING THE REDEVELOPMENT PLAN FOR THE
CONVENTION CENTER REDEVELOPMENT PROJECT AREA

WHEREAS, January 12, 1982, the Council of the City of Fresno (the "Council") established the Convention Center Redevelopment Project Area (the "Project Area"), by adopting Ordinance No. 82-6, approving and adopting the Convention Center Redevelopment Plan for the Project Area, and the Council has adopted Ordinances No. 94-118, and 98-46, on December 6, 1994 and June 30, 1998, respectively amending the Convention Center Redevelopment Plan (collectively the "Redevelopment Plan"); and

WHEREAS, Ordinance No. 98-46 included amendments that merged the Project Area with the Chinatown Expanded, West Fresno I, West Fresno II, West Fresno III, Jefferson, Mariposa, Central Business District, Fulton, and South Van Ness Industrial Redevelopment project areas, with the merged project areas thereafter known as the "Merger No. 1 Project Area"; and

WHEREAS, the Ordinances adopting and amending the Redevelopment Plan are on file at the office of the City Clerk, City Hall, 2600 Fresno Street, Fresno, California, with the Redevelopment Agency of the City of Fresno ("Agency") Report to Council that the Agency presented to the Council in connection with Ordinance 82-6 (the "1982 Report to Council"), and the Report to Council that the Agency

Accepted 11/11/05
Approved 11/11/05
Effective 11/11/05

2005 120

presented to the Council in connection with Ordinance 98-46 (the "1998 Report to Council"), and any supplements thereto that contain information required by Health and Safety Code Section 33352 of the Community Redevelopment Law (Health and Safety Code Sections 33000, *et seq.*) (the "Redevelopment Law")¹ (the foregoing reports and the 2005 Report to Council described herein are collectively called herein the "Reports to Council"); and

WHEREAS, Ordinance No. 82-6 includes findings and determinations required for adopting the Redevelopment Plan including, without limitation, that the Project Area is a blighted area based on facts presented to the Council including, without limitation, the facts set forth in the 1982 Report to Council; and

WHEREAS, under Section 33368, the decision of the Council in adopting Ordinance 82-6 is final and conclusive, and it is conclusively presumed that the Project Area is a blighted area; and

WHEREAS, Ordinance 98-46 includes Council findings and determinations, based in part on the 1998 Report to Council, required by the Redevelopment Law for adopting major amendments to the Redevelopment Plan including, without limitation, that the Project Area is characterized by and suffers from a combination of significant remaining physical and economic blight conditions, including

¹ Unless otherwise stated all Section numbers herein are references to the Redevelopment Law.

deteriorated and dilapidated buildings, aged and obsolete buildings; lots of irregular form, shape and inadequate size for proper usefulness, depreciated or stagnant property values, low lease rates, residential overcrowding, a high crime rate and inadequate or deteriorated public improvements, facilities and utilities; and

WHEREAS, under Section 33368, the decision of the Council in adopting Ordinance 98-46 and the findings therein are final and conclusive including, without limitation, that the Project Area is characterized by and suffers from a combination of significant remaining physical and economic blight conditions; and

WHEREAS, under Section 33450, the Council, by ordinance may amend a redevelopment plan any time after adopting the plan; and

WHEREAS, the proposed amendments to the Redevelopment Plan (the "2005 Amendments") have been presented to the Council and a copy of the 2005 Amendments are attached; and

WHEREAS, the focus of the Redevelopment Plan when adopted was large scale retail, office, cultural, and service and commercial use, among others, and the proposed 2005 Amendments do not propose to change the focus or purposes of the Redevelopment Plan; and

WHEREAS, the Council made relevant blight findings when it adopted the Redevelopment Plan in 1982 and in 1998 when it amended the Redevelopment Plan, merging it into the Merger No. 1 Project Area, and the Project Area is conclusively presumed to be blighted; and

WHEREAS, the 1982 and the 1998 Reports to Council recognize eminent domain as a tool that may be used to help carry out the Redevelopment Plan; and

WHEREAS, the 1982 Report to Council recited a recommendation that Council adopt the redevelopment plan that included eminent domain as a redevelopment tool to help reverse physical conditions responsible for blight; and

WHEREAS, the purposes of the 2005 Amendments are to: (i) to cause the land use element to be the same as the General Plan for the City of Fresno (the "General Plan"), and any applicable community and specific plans, as each may be adopted or amended from time to time; and (ii) to extend the Agency's eminent domain power to additional parcels in the Project Area (the "Added Acquisition Area"); and

WHEREAS, the *Agency is not required*, under Sections 33354.5 and 33354.6 of the Redevelopment Law, to follow the same procedures and *the Council is not subject* to the same restrictions provided in the Redevelopment Law for adopting a redevelopment plan including, without limitation, establishing blight or significant continuing or remaining blight, since the 2005 Amendments will not: (a) amend the Redevelopment Plan to add tax increment financing, (b) amend the Redevelopment Plan to add new territory to the Project Area, (c) amend the Redevelopment Plan to increase either the limitation on the dollars allocated to the Agency or the time limit on establishing indebtedness, (d) amend the Redevelopment Plan to extend the duration of the Redevelopment Plan, (e) merge project areas, or (f) amend the Redevelopment Plan to add significant additional capital improvement projects; and

WHEREAS, eminent domain, is a necessary tool for achieving the public purposes of redevelopment; and

WHEREAS, California law provides strict guidelines and limitations on any exercise of eminent domain, and adequate protection for property owners; and

WHEREAS, adopting the proposed 2005 Amendments is subject to the noticed public hearing requirement (Sections 33451 and 33452 or 33458), and, *to the extent warranted by the proposed amendments*, this adopting ordinance contains the findings required under Section 33367, and the report and information required under Section 33352 was prepared and made available to the public before the hearing on the Plan Amendment (Section 33457.1); and

WHEREAS, the findings warranted by the 2005 Amendments that will add real property parcels to the acquisition plan, thereby making the property subject to possible acquisition by eminent domain, relate to whether, as to the Added Acquisition Area, eminent domain is necessary for carrying out the Redevelopment Plan, and findings associated with any exercise of eminent domain; and

WHEREAS, the findings warranted by the 2005 Amendments that will cause the land use element to be the City's General Plan, and any applicable community or specific plans, as such plans may be adopted or amended from time to time, relate to consistency with the City's General Plan including, without limitation, the housing element thereof; and

WHEREAS, though the Project Area is presumed blighted, Agency staff has, nonetheless, presented substantial evidence of remaining blight in the Added Acquisition Area; and

WHEREAS, Redevelopment Law considers amending a redevelopment plan to add eminent domain or to modify the land use element to be a minor or nonmajor amendment that does not require further blight findings; and

WHEREAS, when the Council is also the Agency, the Council may adopt a plan amendment without Agency action, even as to certain recommendations (Section 33458); and

WHEREAS, Section 12-606-B of the Fresno Municipal Code provides that redevelopment plan amendments shall be initiated only by the Council adopting a resolution of initiation; and

WHEREAS, by Resolution No. 2004-297, the Council initiated the plan amendment process for amendments to the Redevelopment Plan; and

WHEREAS, the Council has received, from the Agency, the proposed 2005 Amendments, a copy of which is attached, on file at the office of the City Clerk, City Hall, 2600 Fresno Street, Fresno, California, and at Agency's offices at 2344 Tulare Street, Suite 200, Fresno, California; and

WHEREAS, the Council has received the Agency's Report to the Council on the proposed 2005 Amendments ("2005 Report to Council"), a copy of which is on file at the office of the City Clerk, and the Agency offices, at the addresses listed above; and

WHEREAS, the 1982 Report to Council contained each element required under Section 33352 for adopting the Redevelopment Plan; and

WHEREAS, the 2005 Report to Council contains the elements under Section 33352 relating to adopting the 2005 Amendments for the Project Area including, without limitation, the following: (1) the reasons for the proposed 2005 Amendments, (2) a description of the physical and economic conditions that remain in the Added Acquisition Area; (3) a reference to the Implementation Plan that contains a description of specific Agency programs and projects proposed and started in the Project Area and an explanation about how the proposed and implemented programs and projects will improve or alleviate the conditions that remain in the Project Area; (4) a reference to the Agency's existing method or plan for relocating families and persons who may be temporarily or permanently displaced from housing facilities because of the Redevelopment Plan; (5) the report and recommendations of the Planning Commission of the City of Fresno (the "Planning Commission"); and

WHEREAS, 2005 Amendments do not warrant a discussion of all the elements addressed in Section 33352, such as, without limitation, reasons for selecting the Project Area, the Agency's use of financing alternatives other than tax increment financing, or a proposed method of financing the redevelopment of the Project Area, or an analysis of a preliminary plan, or a neighborhood impact report, or a report relating to a project area committee (October 19, 2004, the Council and Agency approved Joint Resolution No. 2004-385/1653 finding that the proposed

2005 Amendments to the Redevelopment Plan do not require that a project area committee be established), or a report relating to housing as the Added Acquisition Area does not include residential properties; and

WHEREAS, the proposed 2005 Amendments have been environmentally reviewed under Environmental Assessment No. RDA 2005-1 (the "EA No. RDA 2005-1"), in compliance with the California Environmental Quality Act ("CEQA"), resulting in a Finding of Conformance with Master Environmental Impact Report No. 10130 ("MEIR No. 10130") for the 2025 General Plan; and

WHEREAS, the 2005 Amendments are within the scope of MEIR No. 10130 and a Notice of Intent to Adopt a Finding of Conformity was provided to the public on July 31, 2005 by publishing in the Fresno Bee, a local newspaper, posting the notice throughout the Project Area on July 29, 2005, and a copy of the notice and affidavit of publication are on file with the Agency; and

WHEREAS, EA No. RDA 2005-1 supports the finding that no substantial changes have occurred and no new Information of substantial importance has been presented that demonstrate the need for any further CEQA review of the 2005 Amendments and that MEIR No. 10130 adequately analyzed and disclosed the potential impacts associated with the 2005 Amendments; and

WHEREAS, there are no new impacts associated with the 2005 Amendments, and all applicable mitigation measures identified in MEIR No. 10130 are applicable to the 2005 Amendments; and

WHEREAS, the Council and the Agency have reviewed and

considered EA No. RDA 2005-1 and approved and adopted the Finding of Conformance with MEIR No. 10130 for the 2025 General Plan (the "EA RDA 2005-1"); and

WHEREAS, June 7, 2005, the Agency Board adopted Resolution No. 1661, approving an updated Five-Year Implementation Plan for the Merger No. 1 Project Area that includes the Project Area (the "Implementation Plan"), and a copy of the Implementation Plan is on file with the City Clerk and with the offices of the Agency; and

WHEREAS, the Implementation Plan, among other things, contains sections describing how the Agency will expend the Low and Moderate Housing Set Aside Funds to meet the housing requirements of the Redevelopment Law; and

WHEREAS, July 13, 2005, the Planning Commission considered the 2005 Amendments, and adopted Resolution No. 12244 making certain findings including that the 2005 Amendments are consistent with the General Plan including, without limitation, the Housing Element, and a copy of the resolution and any report and recommendations have been submitted to the Council; and

WHEREAS, July 13, 2005, the Housing and Community Development Commission ("HCDC") considered the 2005 Amendments and recommended that the Agency and the Council approve the 2005 Amendments; and

WHEREAS, at the HCDC public meeting and Planning Commission hearing some members of the public expressed concern regarding impacts to potentially historic buildings; and

WHEREAS, the 2005 Amendments will cause the land use element of the Redevelopment Plan to be the General Plan and any applicable community and specific plans, as adopted or amended from time to time; and

WHEREAS, to address historic preservation concerns, and to implement the City's General Plan, and applicable Community and Specific Plan policies for the preservation of historic resources, the Agency has added a further provision to the 2005 Amendments under which the Agency will implement a consultation and review process before any development agreement, owner participation agreement or capital improvement project in the Project Area is approved that may impact any potential historic structures; and

WHEREAS, besides providing citizens an opportunity to be heard at the HCDC, and at the Planning Commission, the Agency consulted with and obtained the advice of owners, residents and businesses, community organizations and other interested persons regarding the proposed 2005 Amendments, and property owners, residents and businesses, community organizations and others were given the opportunity to review the 2005 Amendments at a public information meeting on September 23, 2004, and again on April 21, 2005, at a Citizen's Advisory Committee meeting,² and

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This committee was formed at the direction of the Council to provide a forum for Project Area persons, and any recommendations relating to the 2005 Amendments.

WHEREAS, July 19, 2005, at the time for the originally noticed joint public hearing, the Council and Agency Board continued the hearing to July 26, 2005 at 4:30 p.m.; and

WHEREAS, July 26, 2005, Council and Agency Board continued the hearing to August 30, 2005 at 4:30 p.m.; and

WHEREAS, August 30, 2005, the Council and the Agency held a noticed joint public hearing in the Council Chambers, 2600 Fresno Street, Fresno, California, to consider the 2005 Amendments, and received and included in the public record the 2005 Report to Council, the staff's report and materials, heard the testimony of all interested persons, and received written communications from interested persons; and

WHEREAS, August 30, 2005, after closing the joint public hearing, the Council and Agency Board continued the matter to a future date to deliberate the matter and adopt written findings responding to written objections to the 2005 Amendments received from affected property owners; and

WHEREAS, October 11, 2005, Council and the Board considered and adopted the written responses to written objections; and

WHEREAS, a notice of the joint public hearing was duly and regularly published in The Fresno Bee, a newspaper of general circulation in the City of Fresno, once a week for three successive weeks before the July 19, 2005, the original date set for the joint public hearing, and a copy of the notice and affidavit of

publication are on file with the Agency; and

WHEREAS, copies of the notice of the joint public hearing set for July 19, 2005, copies of the Notice of Intent to adopt a Finding of Conformity, and information that the joint public hearing was continued to August 30, 2005 (the "Notices"), were mailed by first-class mail to the last known address of each assessee of each parcel of land in the Project Area as shown on the last equalized assessment roll of the County of Fresno; and

WHEREAS, copies of the Notices were mailed by first-class mail to all residential and business occupants within the Project Area; and

WHEREAS, copies of the notice of joint public hearing were mailed by first class mail to the last known address of the assessee of each parcel of land within the Added Acquisition Area, with a statement notifying the assessee that the property of the assessee is proposed to be subject to the possibility of acquisition by negotiation or condemnation under the proposed 2005 Amendments; and

WHEREAS, copies of the Notices were mailed by certified mail with return receipt requested to the governing body of each taxing agency, which receives taxes from property in the Project Area; and

WHEREAS, the Council and Agency have considered the 2005 Report to Council, the recommendations of the Planning Commission and the HCDC concerning the 2005 Amendments, the Planning Commission's certification that the 2005 Amendments are consistent with the General Plan including, without limitation, the Housing Element of it, and has considered the findings in Ordinance

82-6, the 1982 Report to Council, the findings in Ordinance 98-46, and the 1998 Report to Council, the Redevelopment Plan, the Implementation Plan, and other information presented to it and available to it, has provided an opportunity for all persons to be heard and has received and considered all evidence and statements presented for or against any aspect of the 2005 Amendments; and

WHEREAS, the reports, documents, and other writings submitted to the Council contain the elements under Section 33352 warranted by the 2005 Amendments; and

WHEREAS, the Council and Agency have provided an opportunity for all persons to be heard and have received and considered all evidence and statements presented for or against any aspect of the 2005 Amendments; and

WHEREAS, the Council has adopted written findings in response to each written objection to the 2005 Amendments from an affected taxing entity or property owner within the Project Area; and

WHEREAS, all actions required by law have been taken by all appropriate public bodies:

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

SECTION 1. The purposes and intent of the Council with respect to the 2005 Amendments are as follows: (l) to cause the land use element of the Redevelopment Plan to be the same as the General Plan and any applicable community and specific plans, as each may be adopted or amended from time to

time; and (ii) to extend the Agency's eminent domain power to the Added Acquisition Area as a redevelopment plan implementation tool to help eliminate remaining blighting conditions in the Project Area.

SECTION 2. The Council finds and determines that:

2.1 Amending the Redevelopment Plan, as set forth in the 2005 Amendments, is necessary and desirable to complete redevelopment of the Project Area and to increase the probability of achieving the goals and objectives of the Redevelopment Plan, and to provide plan implementation flexibility. This finding is based on the facts as set forth in the 2005 Report to Council and EA No. RDA 2005-1.

2.2 Pursuant to Section 33368 of the Redevelopment Law, the adoption of the Redevelopment Plan is final and conclusive and the Project Area is presumed to be blighted as defined by Section 33031 of the Redevelopment Law, and all prior proceedings are deemed to have been duly and regularly taken.

2.3 Though the Redevelopment Law does not require that blight be re-substantiated for any part of a project area when amending a redevelopment plan to subject identified properties to eminent domain powers, the Council finds that significant blight continues within the Added Acquisition Area. This finding is based on the facts, more particularly set forth in (a) the 1982 Report to Council that documented blight throughout the Project Area including the Added Acquisition Area, (b) in the 1998 Report to Council that documented significant remaining physical and economic blighting conditions in the Project Area including the Added

Acquisition Area and (c) in the 2005 Report to Council that in Attachment NO. 3 summarizes the blighting conditions found in the 1998 Report, and in Attachment No. 6 depicts and describes continuing blight in the Added Acquisition Area.

2.4 The combination of blighting conditions within the Added Acquisition Area continues to cause a reduction of, or lack of, proper utilization of the properties and affects the Project Area to such an extent that it constitutes a serious physical and economic burden on the City that cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.

2.5 The availability of the power of eminent domain in the Added Acquisition Area will help the Agency effectively implement the Redevelopment Plan and to carry out the goals and objectives of the Project Area by providing a necessary tool for site assembly, as needed, to complete public improvements and to implement and continue redevelopment programs necessary to help alleviate the remaining blighting conditions and to promote and stimulate new private investment in the Project Area.

2.6 The availability of the power of eminent domain in the Added Acquisition Area is necessary to carry out the Redevelopment Plan, and adequate provisions exist to pay for property to be acquired, all as provided by law. This finding is based on the following facts: (a) to facilitate development of existing vacant or underutilized properties, the Agency may need to assemble parcels to produce more cohesive and economically feasible development within the Added

Acquisition Area; (b) the Agency is required to comply with all state laws pertaining to a public agency acquiring real property, whether acquisition is by condemnation or negotiation, and these laws require paying just compensation for all real property, and (c) the Agency will not proceed with any voluntary acquisition or with condemnation of real property for which it does not have funds available.

2.7 The Redevelopment Plan, as proposed to be amended, would redevelop the Project Area in conformity with the Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that redevelopment of the Project Area, as contemplated by the Redevelopment Plan, as amended, will implement the objectives of the Redevelopment Law and help to alleviate conditions of blight within the Project Area, by returning undeveloped and bypassed property to productive use; promoting the production of destination retail, commercial, entertainment and inner-city housing; facilitating and continuing to provide the planning, development, redesign, clearance, reconstruction or rehabilitation of properties that need improvement; thereby potentially providing additional employment opportunities or recouping lost jobs and maintaining those jobs within the Project Area.

2.4 The Redevelopment Plan, as proposed to be amended, is consistent with the General Plan including, without limitation, the Housing Element. This finding is based on the Planning Commission Resolution No. 12244 that includes such finding.

2.8 Carrying out of the Redevelopment Plan, as amended, will

promote the public peace, health, safety, and welfare of the City of Fresno and will achieve the purposes and policy of the Redevelopment Law. This finding is based upon the fact that redevelopment, as contemplated in the Redevelopment Plan, as amended by the 2005 Amendments, will benefit the Project Area by implementing the objectives of the Redevelopment Law by eliminating and correcting blighting conditions, and by coordinating additional public and private actions needed to stimulate development and improve the physical and economic conditions of the Project Area, and that continued redevelopment of the Project Area will further promote and stimulate new private investment and redevelopment in the Project Area.

SECTION 3. The 2005 Amendments will not add new territory to the Project Area, create any noncontiguous project areas, amend the boundaries of the Project Area, increase either the limitation on the number of dollars to be allocated to the Agency, or the time limit on establishing loans, advances, and indebtedness, will not lengthen the time during which the Redevelopment Plan is effective, will not merge project areas, or add significant additional capital improvement projects. Therefore, no findings related thereto are required.

SECTION 4. The Council finds, in the exercise of its own independent judgment, and considering the record before it, that there is no substantial evidence in the record that the 2005 Amendments may have a significant effect on the environment, as identified in EA No. RDA 2005-1, and hereby approves and adopts EA No. RDA 2005-1 and the Finding of Conformance with MEIR No. 10130 for the

2025 General Plan based on the testimony and information presented at the joint public hearing and on review and consideration of the environmental documentation provided. Further, the Council hereby incorporates all feasible mitigation measures or feasible alternatives set forth in MEIR No. 10130 as may be applicable to 2005 Amendments.

SECTION 5. The Added Acquisition Area does not include residential properties, and therefore no findings related to relocating or displacing residential occupants are warranted.

SECTION 6. The Council is satisfied that its findings and determinations, as set forth above, are all the findings warranted under Section 33367 by the proposed 2005 Amendments, and so finds.

SECTION 7. The Council is satisfied that written findings have been adopted in response to any and each written objection received from any affected taxing entity or property owner either before or at the noticed joint public hearing. Having considered all evidence and testimony presented for or against any aspect of the 2005 Amendments, the Council overrules all written and oral objections to the 2005 Amendments and incorporates by reference into this ordinance those findings, responding to the written objections, contained within Council Resolution No. 2005-448, adopted October 11, 2005.

SECTION 8. The Redevelopment Plan is amended as set forth in the 2005 Amendments attached as Attachment 1. The Redevelopment Plan, as so amended, is incorporated herein and designated as the official redevelopment plan

for the Project Area.

SECTION 9. To implement and facilitate carrying out the Redevelopment Plan, as amended, the Council hereby:

9.1 Pledges to cooperate in helping to carry out the Redevelopment Plan, as amended;

9.2 Directs the various City officials, departments, boards and agencies, having administrative responsibilities in the Project Area, to cooperate in helping to carry out the Redevelopment Plan, as amended, and to exercise their respective functions and powers in a manner consistent with the Redevelopment Plan, as amended;

9.3 Stands ready to consider and take appropriate action on proposals and measures designated to carry out the Redevelopment Plan, as amended; and

9.4 Declares its intention to undertake and complete any City proceeding including expending moneys that may be necessary under the Redevelopment Plan, as amended.

SECTION 10. The Executive Director of the Agency is authorized to combine the Redevelopment Plan, as amended, into a single document, and said document when filed with the City Clerk and the Secretary of the Agency, shall constitute the official Redevelopment Plan for the Project Area.

SECTION 11. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, and the Agency is hereby vested with the responsibility for

carrying out the Plan, as amended.

SECTION 12. The City Clerk is hereby directed to record with the County Recorder of Fresno County a notice that the 2005 Amendments have been approved and adopted pursuant to this Ordinance. The notice shall contain a statement that proceedings for the redevelopment of the Project Area, pursuant to the Redevelopment Plan, as amended, have been instituted under the California Community Redevelopment Law.

SECTION 13. If any part of this Ordinance amending the Redevelopment Plan 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 Redevelopment Plan, and this Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion of it had been deleted.

SECTION 14. This Ordinance shall become effective and in full force and effect at 12:00 a.m. 31 days following its final passage.

Attachment 1: 2005 Amendments to the Redevelopment Plan for the
Convention Center Redevelopment Project Area

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

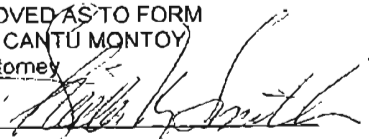
I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 11th day of October, 2005, by the following vote.

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

Mayor Approval: N/A, 2005
Mayor Approval/No Return: October 24, 2005
Mayor Veto: N/A, 2005
Council Override Vote: N/A, 2005

REBECCA E. KLISCH,
City Clerk

By: 
Deputy

APPROVED AS TO FORM
HILDA CANTU MONTYOY
City Attorney
By: 
Sr. Deputy

ATTACHMENT 1

2005 AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE
CONVENTION CENTER REDEVELOPMENT AREA

The Redevelopment Plan for the Convention Center Redevelopment Area, adopted January 12, 1982, by Ordinance No. 82-6, as amended December 6 1994, by Ordinance No. 94-118 and again June 30, 1998, by Ordinance No. 98-46 (collectively the "1998 Plan") is hereby further amended as follows:

- I. Section 1.1 of the 1998 Plan is amended to add a seventh paragraph as follows:

"As of the effective date of the ordinance approving the 2005 Amendment to the 1998 Plan (the "2005 Ordinance"), reference herein to the "Plan" or the "Redevelopment Plan" shall mean the 1998 Plan, as amended by the 2005 Ordinance. The terms "Plan Area" and "Project Area" when used herein shall mean the land area within the boundaries of and subject to the Redevelopment Plan"

- II. Section 3.0 of the Plan is hereby amended in its entirety (including all subsections) to read as follows:

"Section 3.0 Conformance to Adopted Plans and Policies

The City of Fresno ("City") land use plans and policies, as of the date of this Amendment, which apply to part or all the Project Area, are as follows:

1. City General Plan

The General Plan contains the broad scale plans and policies and the overall framework for planning in the City of Fresno, including the Project Area.

2. Area Community Plans and Specific Plans

The entire Project Area is within the boundaries of the Central Area Community Plan. The Central Area Community Plan is designed to further refine the goals of the General Plan, and provides the land use concept and policy framework for the Project Area."

3. Civic Center Master Development Plan.

Only a small, previously redeveloped, portion of the Project Area lies within the boundaries of the Civic Center Master Development Plan.

- III. The Plan is revised to delete Section 4.2 in its entirety (including all subsections) and replace it with the following:

Uses Permitted in the Project Area"

“Section 4.2 Redevelopment Land Uses

The land uses shall be the land uses permitted in the Project Area pursuant to the General Plan, and any applicable community plans and specific plans for land within the Project Area, as from time to time adopted or amended. Specific permitted uses within the Plan Area are those that are permitted, or conditionally permitted, by the Zoning Ordinance contained in the Fresno Municipal Code, as it may be amended from time to time.

IV. Section 4.3 of the Plan is hereby amended in its entirety to read as follows:

“Section 4.3 Property Acquisition

Implementing the Plan is dependent on land assembly, redevelopment, and rehabilitation activities. The Agency may but is not obligated to acquire property in the Project Area by any means authorized by law, excepting that any acquisition by eminent domain shall be as limited to that part of the Project described in, exercised within the time set forth in Section 6.1.2 of this Plan. In all property acquisition, the Agency shall comply with applicable provisions of California and federal law.

“The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is authorized to acquire either the entire fee or any other interest in real property less than the fee.

“The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire public property transferred to private ownership before redevelopment of the Project Area is completed.

“Generally, personal property shall not be acquired. However, where necessary, or useful, in the execution of this Plan, the Agency is authorized to acquire personal property within the area designated as “Subject to Acquisition” (within the Acquisition Plan) by any lawful means, including, without limitation, eminent domain.”

V. Section 4.5 of the Plan is hereby amended to add the following as the first paragraph in that section:

“Section 4.5 Historic Structures. To address historic preservation concerns and to implement the City’s General Plan, and applicable Community and Specific Plan policies for the preservation of historic resources, the Agency will implement a consultation and review process before any development agreement, owner participation agreement or capital improvement project in the Project Area is approved that may impact any potential historic structures. Staff shall (1) consult with the City’s Historic Preservation Officer, (2) screen the subject land area for possible historic resources, which may be adversely affected by the redevelopment proposal and (3) forward any property identified as a potential candidate for the local, state or national register to the City of Fresno Historic Preservation Commission for the Commission’s review and recommendations.

- VI. Land Acquisition. Section 6.1.2 of the Plan is hereby amended in its entirety to read as follows:

“6.1.2 Land Acquisition.

The Agency may acquire property as set forth in Section 4.3. In cases where purchase cannot be negotiated, the Agency, in its sole discretion, shall acquire property through the exercise of its right of eminent domain, commenced within the times set forth in this Section 6.1.2. The Agency will comply with all the provisions of the applicable statutes and Constitution of the State of California, and the United States of America, as and when relative to the exercise of its right of eminent domain. Payment for such property shall be in accordance with the State Law, as amended, and with the applicable provisions of Federal Law.

The area within the Project Area that is subject to the exercise of eminent domain is designated as “Subject to Acquisition” on the “Acquisition Plan,” attached hereto as Exhibit 5, and incorporated herein by this reference. The Acquisition Plan is composed of two areas. The first acquisition area is composed of those properties in the Acquisition Plan as of the date that the 1998 Amendment became effective (identified on the Acquisition Plan as “Existing”). The second acquisition area is composed of those properties that are added to the Acquisition Plan upon the effective date of this 2005 Amendment (identified on the Acquisition Plan as “Added”). The Agency shall commence any eminent domain proceedings to acquire property within the “Existing” area of the Acquisition Plan by August 6, 2010. The Agency shall commence any eminent domain proceedings to acquire property within the “Added” area of the Acquisition Plan within twelve years from the date the ordinance adopting this 2005 Amendment becomes effective.

- VII. The Map entitled “Exhibit 4, Land Use Plan Map (Revised 1998),” is hereby deleted.
- VIII. The Map entitled “Exhibit 5, Adopted Circulation Pattern Map” is hereby renumbered to Exhibit 4 of this Plan.
- IX. The map entitled “Exhibit 6, Acquisition Plan Map (Revised 1998),” is hereby deleted and replaced with “Exhibit 5, Acquisition Plan Map (Revised 2005),” attached hereto and incorporated herein by reference.
- X. The map entitled “Historic Structures Map” attached as Exhibit 7 of the Plan is hereby renumbered to Exhibit 6 of this Plan.
- XI. The map entitled “Exhibit 8, List of Public Improvements,” is hereby renumbered to Exhibit 7 of this Plan.
- XII. Exhibits 9, 10, 11 and 12 of this Plan are renumbered as Exhibits 8, 9, 10, and 11 respectively.

October 12, 2005

** NO RETURN **

Council Adoption: 10/11/05

Mayor Approval:

Mayor Veto:

Override Request:

TO: MAYOR ALAN AUTRY

FROM: REBECCA E. KLISCH, CMC
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 10/11/05, Council adopted the attached Ordinance No. 2005-120, entitled **Adopt findings of conf., etc. & amend Conv. Center Red. Plan, Item No. 3:00 p.m. A-2**, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Sterling, Westerlund
Noes : Perea, Dages
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 October 24, 2005. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th 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.

APPROVED:

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

Alan Autry, Mayor

Date: _____

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :