

ORDINANCE NO. 2766

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, AMENDING THE REDEVELOPMENT PLAN FOR THE GARDEN GROVE COMMUNITY PROJECT AS AUTHORIZED BY SENATE BILL 1096 PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(E)(2)(D)(ii) AS TO THE TRASK AVENUE AREA; 1976 AMENDMENT AREA; BROOKHURST/CHAPMAN AREA; BROOKHURST/KATELLA AREA; AND THE 1979 AMENDMENT AREA

WHEREAS, the Garden Grove Agency for Community Development (Agency) is a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Sections 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 (City Council) of the City of Garden Grove (City);

WHEREAS, the City Council originally adopted the Redevelopment Plan for the Garden Grove Community Project (Plan for the Community Project and the Garden Grove Community Project respectively) by Ordinance No. 1339 on June 26, 1973, which was applicable to that certain project area as designated therein (Original Area);

WHEREAS, by Ordinance No. 1388, adopted on July 9, 1974, the City Council amended the Plan for the Community Project for the principal purpose of adding territory (1974 Amendment Area) to the Garden Grove Community Project;

WHEREAS, by Ordinance No. 1476, adopted on November 25, 1975, the City Council adopted the Redevelopment Plan for the Trask Avenue Redevelopment Project (Trask Avenue Project) and that certain project area designated thereby (Trask Avenue Area), which Trask Avenue Project was later incorporated into the Garden Grove Community Project, as amended, by Ordinance No. 1699, adopted on October 16, 1979;

WHEREAS, by Ordinance No. 1548, adopted on November 29, 1976, the City Council amended the Plan for the Community Project, as previously amended, for the principal purpose of adding territory (1976 Amendment Area) and making certain modifications to the Garden Grove Community Project, as amended;

WHEREAS, by Ordinance No. 1576, adopted on March 21, 1977, the City Council adopted the Redevelopment Plan for the Brookhurst/Chapman Redevelopment Project (Brookhurst/Chapman Project) and that certain project area designated thereby (Brookhurst/Chapman Area), which Brookhurst/Chapman Project was later incorporated into the Garden Grove Community Project, as amended, by Ordinance No. 1699, adopted on October 16, 1979;

WHEREAS, by Ordinance No. 1642, adopted on February 21, 1978, the City Council adopted the Redevelopment Plan for the Brookhurst/Katella Redevelopment Project (Brookhurst/Katella Project) and that certain project area designated thereby (Brookhurst/Katella Area), which Brookhurst/Katella Project was later

incorporated into the Garden Grove Community Project, as amended, by Ordinance No. 1699, adopted on October 16, 1979;

WHEREAS, by Ordinance No. 1699, adopted on October 16, 1979, the City Council amended the Plan for the Community Project, as previously amended, for the principal purpose of adding territory (1979 Amendment Area) and making certain modifications to the Garden Grove Community Project, as amended;

WHEREAS, by Ordinance No. 1760, adopted on June 9, 1981, the City Council amended the Plan for the Community Project, as previously amended, for the principal purpose of deleting certain territory (1981 Deletion Area) and making certain modifications to the Garden Grove Community Project, as amended;

WHEREAS, by Ordinance No. 1971, adopted on January 12, 1987, the City Council amended the Plan for the Community Project, as previously amended, for the principal purpose of including certain provisions required by Section 33333.4 of the CRL (1987 Amendment);

WHEREAS, by Ordinance No. 2035, adopted on February 16, 1988, the City Council amended the Plan for the Community Project, as previously amended, for the principal purpose of deleting certain territory (1988 Deletion Area) and making certain modifications to the Garden Grove Community Project, as amended;

WHEREAS, by Ordinance No. 2232, adopted on July 14, 1992, the City Council amended the Plan for the Community Project, as previously amended, for the principal purpose of adding territory (1992 Amendment Area) and making certain modifications to the Garden Grove Community Project, as amended;

WHEREAS, by Ordinance No. 2304, adopted on October 18, 1994, the City Council amended the Plan for the Community Project, as previously amended, for the principal purpose of including certain provisions required by Section 33333.6 of the CRL as set forth in Assembly Bill 1290 (AB 1290 Amendment);

WHEREAS, by Ordinance No. 2455, adopted on December 8, 1998, the City Council amended the Plan for the Community Project, as previously amended, for the principal purpose of adding territory (1998 Amendment Area) and making certain modifications to the Garden Grove Community Project, as amended;

WHEREAS, by Ordinance No. 2576, adopted on July 9, 2002, the City Council amended the Existing Plan for the principal purpose of amending the redevelopment plan for the Community Project (by adoption of an amended redevelopment plan which is referred to herein as the 2002 Amended Plan) that among other provisions (a) added territory (2002 Added Territory), (b) extended eminent domain provision for an additional twelve (12) year period, and (c) eliminated the time limit on establishment of loans, advances and indebtedness pursuant to Senate Bill 211 that amended CRL Section 33333.6 with respect to Original Area, 1974 Amendment

Area, Trask Avenue Area, 1976 Amendment Area, Brookhurst/Chapman Area, Brookhurst/Katella Area, 1979 Amendment Area, and 1992 Amendment Area which component areas were adopted prior to January 1, 1994;

WHEREAS, pursuant to CRL Section 33342.7, which was added by Senate Bill 53 and effective as of January 1, 2007, the legislative body of each redevelopment agency that adopted a Final Redevelopment Plan before January 1, 2007, was required to adopt an Ordinance that contains a description of the agency's program to acquire real property by eminent domain;

WHEREAS, on June 12, 2007, the City Council approved Ordinance No. 2709, entitled: "An Ordinance of the City Council of the City of Garden Grove, California, Describing the Garden Grove Agency For Community Development's Program to Acquire Real Property By Eminent Domain Within the Garden Grove Community Project as Required By Section 33342.7 of the California Health and Safety Code" (SB 53 Ordinance);

WHEREAS, the Plan for the Community Project and the redevelopment project area of the Garden Grove Community Project as amended and modified by all those amendments described hereinabove are hereafter referred to as the Existing Plan and the Existing Project Area respectively;

WHEREAS, the Existing Plan authorizes the collection of tax increment as provided for in Health and Safety Code Section 33670 as to each of: the Trask Avenue Area; the 1976 Amendment Area; the Brookhurst/Chapman Area; the Brookhurst/Katella Area; and the 1979 Amendment Area (collectively referred to herein as the Affected Areas and, together with the Original Area, the 1974 Amendment Area, the 1992 Amendment Area, the 1998 Amendment Area and the 2002 Added Territory, the Component Areas);

WHEREAS, by Ordinance No. 2764 (SB 1045 Community Project Ordinance), the City Council has extended by one (1) year the respective times for operating for receipt of tax increment for each of the Component Areas;

WHEREAS, California Health and Safety Code Section 33333.6(e)(2)(D) as established as an urgency statute under SB 1096, Chapter 211, Statutes of 2004 (SB 1096) provides in pertinent part (with respect to redevelopment project areas established on or before December 31, 1993):

When an agency is required pursuant to Section 33681.12 to make a payment to the county auditor for deposit in the county's Educational Revenue Augmentation Fund created pursuant to Article 3 (commencing with Section 97) of Chapter 6 of Part 0.5 of Division 1 of the Revenue and Taxation Code, the legislative body may amend the redevelopment plan to extend the time limits required pursuant to subdivisions (a) and (b) [of Section 33333.6] by the following: (i) One

year for each year in which a payment is made, if the time limit for the effectiveness of the redevelopment plan established pursuant to subdivision (a) is 10 years or less from the last day of the fiscal year in which a payment is made. (ii) One year for each year in which a payment is made, if both of the following apply: (I) The time limit for the effectiveness of the redevelopment plan established pursuant to subdivision (a) is more than 10 years but less than 20 years from the last day of the fiscal year in which a payment is made. (II) The legislative body determines in the ordinance adopting the amendment that, with respect to the project, the agency is in compliance with Section 33334.2 or 33334.6, as applicable, has adopted an implementation plan in accordance with the requirements of Section 33490, is in compliance with subdivisions (a) and (b) of Section 33413, to the extent applicable, and is not subject to sanctions pursuant to subdivision (e) of Section 33334.12 for failure to expend, encumber, or disburse an excess surplus;

WHEREAS, the Agency made payments to the Educational Revenue Augmentation Fund (ERAF) during each of the 2004-05 and 2005-06 fiscal years pursuant to Section 33681.12 (SB 1096 Payments);

WHEREAS, the time limit for the effectiveness of the Redevelopment Plan established pursuant to subdivision (a) of Section 33333.6 of the CRL for each of the Affected Areas is greater than ten (10) years but less than twenty (20) years from the last day of each of the fiscal years in which the Agency made the SB 1096 Payments;

WHEREAS, the time limits for the effectiveness of the Redevelopment Plan established pursuant to Section 33333.6 (a)(2) of the CRL for the 1998 Amendment Area and the 2002 Amendment Area are greater than twenty (20) years from the last day of each of the fiscal years in which the Agency made the SB 1096 Payments and are therefore not eligible for the extensions set forth in Section 33333.6(e)(2);

WHEREAS, the City Council has determined to take advantage of SB 1096 with respect to each of the Affected Areas and adopt an Ordinance which extends by two (2) years the time limits required pursuant to subdivisions (a) and (b) of Section 33333.6 of the California Health and Safety Code with respect to each of the Affected Areas; and

WHEREAS, the enactment of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4) because it is a fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds and determines as follows: each and every statement set forth in the preceding portion of this Ordinance is true and correct.

Section 2. The City Council further finds and determines as follows: (a) the time limit for the effectiveness of the Existing Plan with respect to the Affected Areas (as the Existing Plan is amended by the SB 1045 Community Project Ordinance) as established pursuant to paragraph (2) of subdivision (a) of CRL Section 33333.6 (with respect to each of the Affected Areas, namely: the Trask Avenue Area, the 1976 Amendment Area, the Brookhurst/Chapman Area, the Brookhurst/Katella Area and the 1979 Amendment Area) is more than 10 years but less than 20 years from the last day of the fiscal year in which the SB 1096 Payments, and each of them, were made; and (b) with respect to the Garden Grove Community Project (as originally enacted and as subsequently amended, including without limitation the SB 1045 Community Project Ordinance), all of the following apply: (i) the funds used to make the 2004-2005 and 2005-2006 ERAF payments would otherwise have been used to pay the costs of the projects and activities necessary to carry out the goals and objectives of the Plan for the Community Project; (ii) the Agency is in compliance with the requirements of CRL Sections 33334.2 or 33334.6, as applicable; (iii) the Agency has adopted an implementation plan in accordance with the requirements of Section 33490; (iv) the Agency is in compliance with subdivisions (a) and (b) of CRL Section 33413, to the extent applicable; (v) the Agency is not subject to sanctions pursuant to subdivision (e) of Section 33334.12 for failure to expend, encumber, or disburse an excess surplus.

Section 3. The respective times established under the Existing Plan for (i) effectiveness of the Existing Plan and (ii) for receipt of tax increment revenues for each of the Affected Areas are each extended by two (2) years past the time limits heretofore established pursuant to subdivisions (a) and (b) of Health and Safety Code Section 33333.6, in addition to the one (1) year added by the SB 1045 Community Project Ordinance. Section 1 of this Ordinance shall control over any contrary provisions of the Existing Plan as amended by the SB 1045 Community Ordinance.

Section 4. Except as amended herein, the Existing Plan, as amended by the SB 1045 Ordinance, shall remain in full force and effect according to its terms.

Section 5. All required proceedings and considerations precedent to the adoption of this Ordinance have been regularly taken in accordance with applicable law.

Section 6. The City Clerk is hereby authorized to file a Notice of Exemption with the County of Orange pursuant to CEQA Guidelines Section 15094.

Section 7. The City Clerk is authorized and directed to publish this Ordinance or a summary thereof in the manner provided by law and in accordance with procedures normally taken.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ____ day of _____.

ATTEST:

MAYOR

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on January 12, 2010, with a vote as follows:

AYES: COUNCIL MEMBERS: (5) BROADWATER, DO, JONES, NGUYEN, DALTON
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (0) NONE