

ORDINANCE NO. 3796

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, AMENDING THE REDEVELOPMENT PLAN FOR THE HUNTINGTON BEACH PROJECT (OR ALSO KNOWN AS MERGED PROJECT) AREA EXTENDING THE PLAN EFFECTIVENESS DEADLINE, REPAYMENT OF INDEBTEDNESS DEADLINE AND TAX INCREMENT RECEIPT DEADLINE PURSUANT TO SB 1096.

WHEREAS, the City Council of the City of Huntington Beach ("City Council") activated the Redevelopment Agency of the City of Huntington Beach ("Agency") on March 1, 1976; and

WHEREAS, pursuant to Ordinance No. 2576, adopted on September 20, 1982, the City Council approved and adopted a redevelopment plan for the Yorktown-Lake Redevelopment Project Area ("Yorktown-Lake Area"); and

WHEREAS, pursuant to Ordinance No. 2577, adopted on September 20, 1982, the City Council approved and adopted a redevelopment plan for the Talbert-Beach Redevelopment Project Area ("Talbert-Beach Area"); and

WHEREAS, pursuant to Ordinance No. 2578, adopted on September 20, 1982, the City Council approved and adopted a redevelopment plan for the Main-Pier Redevelopment Project Area ("Original Main-Pier Area");

WHEREAS, on September 6, 1983, the City Council amended the redevelopment plan for the Original Main-Pier Area by adopting Ordinance No. 2634 to enlarge the Original Main-Pier Area ("Added Main-Pier Area"); and

WHEREAS, pursuant to Ordinance No. 2582, adopted on November 1, 1982, the City Council approved and adopted a redevelopment plan for the Oakview Redevelopment Project Area ("Oakview Area"); and

WHEREAS, pursuant to Ordinance No. 2743, adopted on November 26, 1984, the City Council approved and adopted a redevelopment plan for the Huntington Center Commercial District Redevelopment Project Area ("Huntington Center Commercial District Area"); and

WHEREAS, on December 16, 1996, the City Council amended and merged the redevelopment plans for Yorktown-Lake Area, Talbert-Beach Area, Original Main-Pier Area, Added Main-Pier Area, Oakview Area, and Huntington Center Commercial District Area, establishing the Redevelopment Plan for the Huntington Beach Redevelopment Project ("Merged Project Area") by approving and adopting Ordinance No. 3343 (hereinafter referred to collectively as the "Redevelopment Plan"); and

APPROVED FOR INTRODUCTION

WHEREAS, California Health and Safety Code Section 33333.6 applies to every redevelopment plan adopted on or before December 31, 1993; and

WHEREAS, the redevelopment plans for the Yorktown-Lake Area, Talbert-Beach Area, Original Main-Pier Area, Added Main-Pier Area, Oakview Area, and Huntington Center Commercial District Area were all adopted on or before December 31, 1993; and

WHEREAS, the Redevelopment Plan contains a time limit for the effectiveness of the Redevelopment Plan for the Yorktown-Lake Area, Talbert-Beach Area, Original Main-Pier Area, Added Main-Pier Area, Oakview Area, and Huntington Center Commercial District Area. Each of the time limits is more than 10 years but less than 20 years from June 30, 2005; and

WHEREAS, the Redevelopment Plan contains a time limit for the payment of indebtedness and receipt of property taxes for the Yorktown-Lake Area, Talbert-Beach Area, Original Main-Pier Area, Added Main-Pier Area, Oakview Area, and Huntington Center Commercial District Area; and

WHEREAS, the California State Legislature has enacted SB 1096, making various amendments to the Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*); and

WHEREAS, Health and Safety Code Sections 33333.6(e)(2)(D) and 33333.6(e)(3), as added by SB 1096, provide that when an agency is required pursuant to Health and Safety Code Section 33681.12 to make the payment to the county auditor for deposit in the county's Educational Revenue Augmentation Fund, the legislative body of the agency may amend, by ordinance, the redevelopment plan to extend the time limits required pursuant to paragraphs (2) and (3) of subdivision (a) of Health and Safety Code Section 33333.6 by one year as set forth in Health and Safety Code Sections 33333.6(e)(2)(D) and 33333.6(e)(3). In adopting the ordinance, neither the legislative body nor the agency is required to comply with Health and Safety Code Section 33354.6, Article 12 (commencing with Health and Safety Code Section 33450), or any other provision of the Community Redevelopment Law relating to the amendment of redevelopment plans; and

WHEREAS, the Agency is required to make a payment pursuant to Health and Safety Code Section 33681.12 for the fiscal years 2004-2005 and 2005-2006; and

WHEREAS, funds used to make a payment to the county's Educational Revenue Augmentation Fund pursuant to Community Redevelopment Law 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 Redevelopment Plan; and

WHEREAS, with respect to the Project Area, the Agency is in compliance with the requirements of Community Redevelopment Law Section 33334.2 or 33334.6, as applicable; and

WHEREAS, with respect to the Project Area, the Agency has adopted an implementation plan in accordance with the requirements of Community Redevelopment Law Section 33490; and

WHEREAS, with respect to the Project Area, the Agency is in compliance with subdivisions (a) and (b) of Section 33413 of the Community Redevelopment Law, to the extent applicable; and

WHEREAS, with respect to the Project Area, the Agency is not subject to sanctions pursuant to subdivision (e) of Section 33334.12 of the Community Redevelopment Law for failure to expend, encumber, or disburse an excess surplus; and

WHEREAS, the Agency and the City Council desire to extend by two years the time limit on the effectiveness of the Redevelopment Plan for the Yorktown-Lake Area, Talbert-Beach Area, Original Main-Pier Area, Added Main-Pier Area, Oakview Area, and Huntington Center Commercial District Area and the time limit for paying indebtedness and receiving property taxes for the Yorktown-Lake Area, Talbert-Beach Area, Original Main-Pier Area, Added Main-Pier Area, Oakview Area, and Huntington Center Commercial District Area; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that all of the foregoing recitals are true and correct.

SECTION 2. The City Council hereby finds and determines, with respect to the Project Area, all of the following:

a. Funds used to make the payment to the county's Educational Revenue Augmentation Fund pursuant to Community Redevelopment Law Section 33681.12 for the fiscal years 2004-2005 and 2005-2006 would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Redevelopment Plan.

b. The Agency is in compliance with the requirements of Community Redevelopment Law Section 33334.2 or 33334.6, as applicable.

c. The Agency has adopted an implementation plan in accordance with the requirements of Community Redevelopment Law Section 33490.

d. The Agency is in compliance with subdivisions (a) and (b) of Section 33413 of the Community Redevelopment Law, to the extent applicable.

e. The Agency is not subject to sanctions pursuant to subdivision (e) of Section 33334.12 of the Community Redevelopment Law for failure to expend, encumber, or disburse an excess surplus.

SECTION 3. Amendment of Time Limits. In accordance with Health and Safety Code Sections 33333.6(e)(2)(D) and 33333.6(e)(3), and notwithstanding any other provision in the Redevelopment Plan, the City Council hereby amends the Redevelopment Plan as stated herein by adoption of this Ordinance, and establishes the following limitations:

A. Yorktown-Lake Area.

(1) Plan Effectiveness. The term of plan effectiveness for the Yorktown-Lake Area shall expire on September 20, 2025.

(2) Repayment of Indebtedness; Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Yorktown-Lake Area beyond ten years from the date of termination of the effectiveness of the original Redevelopment Plan for the Yorktown-Lake Area, or September 20, 2035.

B. Talbert-Beach Area.

(1) Plan Effectiveness. The term of plan effectiveness for the Talbert-Beach Area shall expire on September 20, 2025.

(2) Repayment of Indebtedness; Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of the California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Talbert-Beach Area beyond ten years from the date of termination of the effectiveness of the original Redevelopment Plan for the Talbert-Beach Area, or September 20, 2035.

C. Original Main-Pier Area.

(1) Plan Effectiveness. The term of plan effectiveness for the Original Main-Pier Area shall expire on September 20, 2025.

(2) Repayment of Indebtedness; Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Original Main-Pier Area beyond ten years from the date of termination of the

effectiveness of the original Redevelopment Plan for the Original Main-Pier Area, or September 20, 2035.

D. Added Main-Pier Area.

(1) Plan Effectiveness. The term of plan effectiveness for the Added Main-Pier Area shall expire on September 6, 2026.

(2) Repayment of Indebtedness; Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Added Main-Pier Area beyond ten years from the date of termination of the effectiveness of the original Redevelopment Plan for the Added Main-Pier Area, or September 6, 2036.

E. Oakview Area.

(1) Plan Effectiveness. The term of plan effectiveness for the Oakview Area shall expire on November 1, 2025.

(2) Repayment of Indebtedness; Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Oakview Area beyond ten years from the date of termination of the effectiveness of the original Redevelopment Plan for the Oakview Area, or November 1, 2035.

F. Huntington Center Commercial District Area.

(1) Plan Effectiveness. The term of plan effectiveness for the Huntington Center Commercial District Area shall expire on November 26, 2027.

(2) Repayment of Indebtedness; Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Huntington Center Commercial District Area beyond ten years from the date of termination of the effectiveness of the original Redevelopment Plan for the Huntington Center Commercial District Area, or November 26, 2037.

SECTION 4. Application. The limitations established by this Ordinance may only be amended in the manner required and to the extent permitted by law.

SECTION 5. Certification and Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance and to cause the same to be

published in a newspaper of general circulation, published and circulated in the City of Huntington Beach.

SECTION 6. Partial Invalidity. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after the second reading.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2007.

THE CITY OF HUNTINGTON BEACH

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

Jennifer M. Fisher

City Attorney
10-10-07 *JM 10/10/07*

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

[Signature]

Director of Economic Development

Penelope Cullina

City Administrator