



City Council Staff Report

DATE: May 27, 2009 Consent Calendar

SUBJECT: SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1760, AMENDING CERTAIN TIME LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLANS FOR THE CENTRAL BUSINESS DISTRICT PROJECT AREA, TAHQUITZ-ANDREAS PROJECT AREA, RAMON-BOGIE PROJECT AREA AND SOUTH PALM CANYON PROJECT AREA PURSUANT TO THE PROVISIONS OF HEALTH AND SAFETY CODE SECTION 33333.6(E)(2)(D)

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1760.

RECOMMENDATION:

Waive further reading and adopt Ordinance No. 1760, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CERTAIN TIME LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLANS FOR THE CENTRAL BUSINESS DISTRICT PROJECT AREA, TAHQUITZ-ANDREAS PROJECT AREA, RAMON-BOGIE PROJECT AREA AND SOUTH PALM CANYON PROJECT AREA PURSUANT TO THE PROVISIONS OF HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(D)."

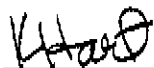
STAFF ANALYSIS:

At its May 6, 2009, meeting Proposed Ordinance No. 1760 was introduced by the following vote:

AYES: Councilmember Hutcheson, Councilmember Weigel, and Mayor Pro Tem Mills

ABSENT: Councilmember Foat and Mayor Pougnet

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.

for 

James Thompson
City Clerk



David H. Ready, Esq., Ph.D.
City Manager

Attachment:

Ordinance No. 1760

Item 2.H.

PROPOSED ORDINANCE NO. 1760

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CERTAIN TIME LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLANS FOR THE CENTRAL BUSINESS DISTRICT PROJECT AREA, TAHQUITZ-ANDREAS PROJECT AREA, RAMON-BOGIE PROJECT AREA AND SOUTH PALM CANYON PROJECT AREA PURSUANT TO THE PROVISIONS OF HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(D).

City Attorney Summary

This uncodified Ordinance extends by two years the time limit on the effectiveness of the Tahquitz-Andreas Project Area, the Ramon-Bogie Project Area, the South Palm Canyon Project Area, and the Central Business District Project Area Redevelopment Plans and the time to repay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 as a result of the City's Redevelopment Agency's Fiscal Year 2004-05 ERAF payment and Fiscal Year 2005-06 ERAF payment.

A. Recitals.

(i) The City Council of the City of Palm Springs, California (the "City Council") adopted the following Ordinances approving and adopting Redevelopment Plans for certain of the Community Redevelopment Agency of the City of Palm Springs (the "Agency") Project Areas as follows:

- a. Ordinance No. 959 adopted July 11 1973, approving an adopting the Redevelopment Plan of the Central Business District Project Area;
- b. Ordinance No. 1187 adopted July 19, 1983, approving an adopting the Redevelopment Plan of the Tahquitz-Andreas Project Area;
- c. Ordinance No. 1203, adopted November 30, 1983, approving an adopting the Redevelopment Plan of the South Palm Canyon Project Area;
- d. Ordinance No. 1202, adopted November 30, 1983, approving an adopting the Redevelopment Plan of the Ramon-Bogie Project Area.

(ii) On December 21, 1994, the City Council adopted Ordinance Numbers 1489, 1490, 1494 and 1497 establishing and amending certain time limitations with respect to the Redevelopment Plans for the Tahquitz-Andreas Project Area, the Ramon-

Bogie Project Area, the South Palm Canyon Project Area and the Central Business District Project Area, respectively. In addition Ordinance No. 1576 was adopted on December 15, 1999 further amending certain time limitations applicable to these Redevelopment Plans.

(iii) On May 31, 2000, the City Council adopted Ordinance No. 1583 for the purpose of merging the Tahquitz-Andreas Project Area with the Agency's Baristo-Farrell Project Area and Canyon Project Area.

(iv) On May 31, 2000, the City Council also adopted Ordinance No. 1584 for the purpose of merging the Central Business District Project Area, the South Palm Canyon Project Area and the Ramon-Bogie Project Area with the Agency's North Palm Canyon Project Area, Oasis Project Area, Highland-Gateway Project Area and Project Area No. 9.

(v) On May 4, 2004, the City Council adopted Ordinance Numbers 1649 and 1650 amending certain time limits with respect to these Redevelopment Plans.

(vi) On May 4, 2004, the City Council also adopted Ordinance Numbers 1651 and 1652 eliminating the time limit on the establishment of loans, advances and indebtedness for all of its redevelopment project areas, including the Tahquitz-Andreas Project Area, the Ramon-Bogie Project Area, the South Palm Canyon Project Area and the Central Business District Project Area.

(vii) The Agency has been designated as the office redevelopment agency in the City of Palm Springs to carry out the functions and requirements of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) and to implement the Redevelopment Plans.

(viii) Section 33681.12, which was added to the Health and Safety Code by Senate Bill 1096, required the Agency during the 2004-05 and 2005-06 fiscal years to make a payment for deposit in the Riverside County's Educational Revenue Augmentation Fund.

(ix) With respect to redevelopment plans adopted on or before December 31, 1993 for which the time limit for the effectiveness of the redevelopment plan is less than 10 years, or, under certain conditions, is more than 10 year but less than 20 years, from the last day of the fiscal year in which an ERAF payment is made pursuant to Health and Safety Code Section 33681.12, Section 33333.6 of the Health and Safety Code was amended by Senate Bill 1096 to provide that when a redevelopment agency is required to make a payment pursuant to Health and Safety Code Section 33681.12, the legislative body may amend the redevelopment plans to extend by one year for each ERAF payment made pursuant to Health and Safety Code Section 33681.12 the time limit on the effectiveness of the redevelopment plan and the limit to repay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 by

adoption of an ordinance, without the necessity of compliance with Health and Safety Code Section 33354.6 or Article 12 (commencing with Health and Safety Code Section 33450) or any other provision of the California Redevelopment Law related to the amendment of redevelopment plans, including, but not limited to, the requirement to make the payment to affected taxing entities required by Health and Safety Code Section 33607.7 provided the City Council makes certain findings with respect to the Redevelopment Plans.

(x) The Agency made the Fiscal Year 2004-05 ERAF payment to the Riverside County Educational Revenue Augmentation Fund pursuant to Health and Safety Code Section 33681.12 on or before May 10, 2005.

(xi) The Agency made the Fiscal Year 2005-06 ERAF payment to the Riverside County Educational Revenue Augmentation Fund pursuant to Health and Safety Code Section 33681.12 on or before May 10, 2006.

(xii) The Agency and the City Council desire that the Redevelopment Plans for the Tahquitz-Andreas Project Area, the Ramon-Bogie Project Area, the South Palm Canyon Project Area and the Central Business District Project Area be amended to extend by two years the time limit on the effectiveness of the Redevelopment Plans and the time to repay indebtedness or receive property taxes pursuant to the Health and Safety Code Section 33670 as a result of the Agency's Fiscal Year 2004-05 ERAF payment and Fiscal Year 2005-06 ERAF payment.

B. **Ordinance.**

The City Council hereby ordains as follows:

Section 1: The City Council hereby finds and determines with respect to each respective project area as follows:

(a) Funds used to make the Fiscal Year 2004-05 ERAF payment and Fiscal Year 2005-06 ERAF payment would otherwise have been used to pay the cost of projects and activities necessary to carry out the goals and objectives of the Redevelopment Plans for the Tahquitz-Andreas Project Area, the Ramon-Bogie Project Area, the South Palm Canyon Project Area and the Central Business District Project Area.

(b) The Agency is in compliance with the requirements of Health and Safety Code Section 33334.2.

(c) The Agency has adopted an implementation plan in accordance with the requirements of Health and Safety Code Section 33490.

(d) The Agency is in compliance with subdivision (a) and (b) of Health and Safety Code Section 33413.

(e) The Agency is not subject to sanctions pursuant to Health and Safety Code Section 33334.12 for failure to expend, encumber or disburse excess surplus.

Section 2: On May 6, 2009, the City Council held a duly noticed public hearing on the adoption of this Ordinance.

Section 3: Pursuant to Health and Safety Code Section 33333.6(e)(2)(D), the following dates are hereby established as the latest dates upon which the effectiveness of the Redevelopment Plan for the respective project areas shall be deemed to be terminated:

- (a) Central Business District: July 11, 2016;
- (b) Tahquitz-Andreas: July 19, 2026;
- (c) South Palm Canyon: November 30, 2026; and
- (d) Ramon-Bogie: November 30, 2026

Section 4: Pursuant to Health and Safety Code Section 33333.6(e)(2)(D), except as provided in Health and Safety Code subsections 33333.6(g) and (h), the following dates are hereby established as the latest date on which the Agency shall pay indebtedness related to its activities or receive property taxes from these project areas pursuant to Health and Safety Code Section 33670:

- (a) Central Business District: July 11, 2026;
- (b) Tahquitz-Andreas: July 19, 2036;
- (c) South Palm Canyon: November 30, 2036; and
- (d) Ramon-Bogie: November 30, 2036

Section 5: Except as amended by the Ordinance, the Redevelopment Plans for Tahquitz-Andreas Project Area, the Ramon-Bogie Project Area, the South Palm Canyon Project Area and the Central Business District Project Area, as previously amended, are unchanged and are in full force and effect in accordance with their terms.

Section 6: If any part of this Ordinance is held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance and this City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid or unconstitutional portion thereof had been deleted.

Section 7: The City Clerk shall certify to the passage of this Ordinance and is hereby directed to publish and post this Ordinance in accordance with current law.

PASSED, APPROVED, AND ADOPTED THIS ___ DAY OF MAY, 2009.

STEPHEN P. POUGET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. _____ is a full, true and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on the _____ day of May, 2009, and adopted at a regular meeting of the City Council held on the _____ day of _____, 2009, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California