

ORDINANCE NO. 652

AN ORDINANCE OF THE CITY OF RIO VISTA,
CALIFORNIA, APPROVING AND ADOPTING THE
REDEVELOPMENT PLAN FOR THE RIO VISTA ARMY
RESERVE CENTER REDEVELOPMENT PROJECT AREA

WHEREAS, in recognition of the need to mitigate the economic and social degradation that is faced by communities, the jurisdictions of which include military bases that have been ordered to be closed or realigned by the federal Base Closure Commission, the Legislature adopted legislation to enable redevelopment agencies to place in a project area portions of a military base that were previously developed but that cannot be utilized in their present condition because of, in whole or in part, substandard infrastructure and buildings that do not meet state building standards, which legislation is contained in Chapter 4.5, Article 1, commencing with Section 33492 of the Community Redevelopment Law (Health and Safety Code Section 33000, et seq.) (the "General Base Closure Legislation"); and

WHEREAS, the City Council of the City of Rio Vista (the "City Council") has received from the Redevelopment Agency of the City of Rio Vista (the "Agency") the proposed Redevelopment Plan (the "Redevelopment Plan") for the Rio Vista Army Reserve Center Redevelopment Project Area (the "Project"), as approved and recommended by the Agency, a copy of which is on file at the office of the Agency and at the office of the City Clerk, at City Hall, One Main Street, Rio Vista, California, together with the Report of the Agency to the City Council on the proposed Redevelopment Plan, including: (1) the reasons for selection of the Project Area; (2) a description of the physical and economic conditions existing in the Project Area; (3) a description of specific projects proposed by the Agency in the Project Area and an explanation as to how the proposed projects will improve or alleviate the conditions existing in the Project Area; (4) the proposed method of financing redevelopment of the Project Area, including an assessment of the economic feasibility of the Project and an explanation of why the elimination of blight and redevelopment of the Project Area cannot be accomplished by private enterprise acting alone or by the City Council's use of financing alternatives other than tax increment financing; (5) a plan for the relocation of families and persons who may be temporarily or permanently displaced from housing facilities as a result of the Redevelopment Plan; (6) an analysis of the Preliminary Plan for the Project; (7) the Report and Recommendations of the Planning Commission of the City of Rio Vista (the "Planning Commission"); (8) a record of the summary of consultations with residents and community organizations; (9) the Final Environmental Impact Report; (10) a neighborhood impact report; (11) a summary of consultations with affected taxing agencies and responses to written objections and concerns expressed by affected taxing agencies during the consultations; and (12) a Five-Year Implementation Plan; and

WHEREAS, the Planning Commission has reported that the Redevelopment Plan is consistent with the General Plan of the City of Rio Vista and has recommended approval of the Redevelopment Plan; and

WHEREAS, the City Council and the Agency held a joint public hearing in the City Council Chambers, located at City Hall, One Main Street, Rio Vista, California, on April 28, 2010, to consider adoption of the Redevelopment Plan; and

WHEREAS, a notice of said hearing was duly and regularly published in a newspaper of general circulation in the City of Rio Vista, once a week for four successive weeks prior to the date of said hearing, and a copy of said notice and affidavit of publication are on file with the City Clerk and the Agency; and

WHEREAS, copies of the notice of joint public hearing and a statement concerning acquisition of property by the Agency were mailed by first-class mail to the last known address of each assessee of each parcel of land in the proposed Project Area as shown on the last equalized assessment roll of the County of Solano; and

WHEREAS, copies of the notice of joint public hearing were mailed by first-class mail to all residential and business occupants within the proposed Project Area; and

WHEREAS, copies of the notice of joint public hearing 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 City Council has considered the Report of the Agency, the Report and Recommendations of the Planning Commission, and the Redevelopment Plan; has provided an opportunity for all persons to be heard and has received and considered all evidence and testimony presented for or against any and all aspects of the Redevelopment Plan; and has adopted written findings in response to each written objection to the Redevelopment Plan from an affected taxing entity or property owner; and

WHEREAS, by RDA Resolution No. 2010-05 adopted on May 6, 2010, the Agency has determined that the need to adopt the Plan at the soonest possible time in order to use the authority in the General Base Closure Legislation requires the delay of the application of the California Environmental Quality Act to the adoption of the Plan; and

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

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

Section 1. That the purpose and intent of the City Council with respect to the Project Area is to accomplish the following:

(a) Eliminate blighting influences and correct environmental deficiencies in the Project Area, including, among others, buildings in which it is unsafe or unhealthy for persons to live or work; conditions that prevent or substantially hinder the viable use and capacity of buildings or lots; and a lack of adequate public improvements;

(b) Provide resources for public improvements such as infrastructure deficiencies, community facilities and recreational facilities;

(c) Address environmental remediation and clean-up of known hazardous waste;

(d) Provide opportunities for participation by owners and tenants in the revitalization of their properties;

(e) Strengthen the economic base of the Project Area by encouraging development and stimulating new investment;

(f) Provide an environment for social and economic growth;

(g) Expand, improve, and preserve the community's supply of housing available to low- and moderate-income persons and families; and

Section 2. The City Council hereby finds and determines that:

(a) The Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.). This finding is based upon the following facts, as more particularly set forth in the Report of the Agency to the City Council on the Redevelopment Plan:

(1) The Project Area is characterized by and suffers from a combination of blighting physical and economic conditions, including, among others: buildings in which it is unsafe and unhealthy for persons to live or work; conditions that prevent or substantially hinder the viable use or capacity of buildings or lots; and a lack of adequate public improvements.

(2) The combination of the conditions referred to in paragraph (2) above is so prevalent and so substantial that it causes a reduction of, or lack of, proper utilization of the Project Area to such an extent that it constitutes a serious physical and economic burden on the City which cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.

(b) The Redevelopment Plan will redevelop the Project Area in conformity with the Community 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 will implement the objectives of the Community Redevelopment Law by: aiding in the elimination and correction of the conditions of blight; providing for planning, development, redesign, clearance, reconstruction, or rehabilitation of properties which need improvement; improving, increasing, and preserving the supply of low- and moderate-income housing within the community; providing additional employment opportunities; and providing for higher economic utilization of potentially useful land.

(c) The adoption and carrying out of the Redevelopment Plan is economically sound and feasible. This finding is based on the facts, as more particularly set forth in the Report of the Agency to the City Council, that under the Redevelopment Plan the Agency will be authorized to seek and utilize a variety of potential financing resources, including tax

increments; that the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increments generated by new investment in the Project Area; and that under the Redevelopment Plan no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.

(d) The Redevelopment Plan is consistent with the General Plan of the City of Rio Vista, including, but not limited to, the housing element, which substantially complies with state housing law. This finding is based upon the finding of the Planning Commission that the Redevelopment Plan is consistent with the General Plan of the City of Rio Vista.

(e) The carrying out of the Redevelopment Plan would promote the public peace, health, safety, and welfare of the City of Rio Vista and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based upon the fact that redevelopment, as contemplated by the Redevelopment Plan, will benefit the Project Area by correcting conditions of blight and by coordinating public and private actions to stimulate development and improve the physical and economic conditions of the Project Area.

(f) The Agency has a feasible method and plan for the relocation of families and persons who may be displaced, temporarily or permanently, from housing facilities in the Project Area. This finding is based upon the fact that the Agency's plan for relocation, as contained in the Report of the Agency to the City Council, and the Redevelopment Plan provide for relocation assistance and benefits according to law and authorize the Agency to provide other assistance as determined to be appropriate under the circumstances.

(g) There are, or shall be provided, within the Project Area or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who may be displaced from the Project Area, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. This finding is based upon the fact no displacement of persons is contemplated for the implementation of the Plan, but that in the event any residential displacement is caused by the Redevelopment Plan, no person or family will be required to move from any dwelling unit until suitable replacement housing is available.

(h) Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the Community Redevelopment Law; and dwelling units housing persons and families of low or moderate income within the Project Area shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to Sections 33334.5, 33413, and 33413.5 of the Community Redevelopment Law.

(i) Inclusion of any lands, buildings, or improvements in the Project Area which are not detrimental to the public health, safety, or welfare is necessary for the effective redevelopment of the entire area of which they are a part; and any area included is necessary for effective redevelopment and is not included for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Section 33670 of the Community Redevelopment Law without other substantial justification for its inclusion. This finding is

based upon the fact that the boundaries of the Project Area were chosen as a unified and consistent whole to include all properties contributing to or affected by the blighting conditions characterizing the Project Area.

(j) The elimination of blight and the redevelopment of the Project Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based upon the facts, as more particularly set forth in the Report of the Agency to the City Council, that because of the higher costs and more significant risks associated with development of blighted areas, individual developers are unable and unwilling to invest in blighted areas without substantial public assistance and that funds of other public sources and programs are insufficient to eliminate the blighting conditions.

(k) The time limitations in the Redevelopment Plan, which are the maximum time limitations authorized under the Community Redevelopment Law, are reasonably related to the proposed projects to be implemented in the Project Area and the ability of the Agency to eliminate blight within the Project Area. This finding is based upon the facts that redevelopment depends, in large part, upon private market forces beyond the control of the Agency and shorter time limitations would impair the Agency's ability to be flexible and respond to market conditions as and when appropriate and would impair the Agency's ability to maintain development standards and controls over a period of time sufficient to assure area stabilization. In addition, shorter time limitations would limit the revenue sources and financing capacity necessary to carry out proposed projects in the Project Area.

(l) The effect of tax increment financing will not cause a significant financial burden or detriment on any taxing Agency deriving revenues from the Project Area. This finding is based on the fact that the Agency shall make payments to any affected taxing agencies in accordance with Section 33607.5 of the Community Redevelopment Law.

(m) The implementation of the Redevelopment Plan will improve or alleviate the physical and economic conditions of blight in the Project Area, as described in the Report of the Agency to the City Council prepared pursuant to Section 33352 of the Community Redevelopment Law.

Section 3. No displacement of occupants of the Project Area is contemplated for the implementation of the Plan. If any displacement should occur, the Council is satisfied that permanent housing facilities will be available within three (3) years from the time occupants of the Project Area are displaced and that, pending the development of the facilities, there will be available to the displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

Section 4. In order to implement and facilitate the effectuation of the Redevelopment Plan, certain official actions must be taken by the City Council; accordingly, the City Council hereby: (a) pledges its cooperation in helping to carry out the Redevelopment Plan; (b) directs the various officials, departments, boards, and agencies of the City of Rio Vista having administrative responsibilities in the Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Redevelopment

Plan; (c) stands ready to consider and take appropriate action on proposals and measures designed to effectuate the Redevelopment Plan; and (d) declares its intention to undertake and complete any proceeding, including the expenditure of moneys, necessary to be carried out by the City under the provisions of the Redevelopment Plan.

Section 5. The Council is satisfied that written findings have been adopted in response to each written objection received from affected taxing entities or property owners either before or at the noticed public hearing. Having considered all evidence and testimony presented for or against any aspect of the Redevelopment Plan, the Council hereby overrules all written and oral objections to the Redevelopment Plan.

Section 6. That certain document entitled "Redevelopment Plan for the Rio Vista Army Reserve Center Redevelopment Project Area," a copy of which is on file in the office of the City Clerk, is hereby incorporated by reference herein and designated as the official redevelopment plan for the Project Area.

Section 7. The City of Rio Vista Building Department is hereby directed for a period of at least two (2) years after the adoption of this Ordinance to advise all applicants for building permits within the Project Area that the site for which a building permit is sought for the construction of buildings or for other improvements is within a redevelopment project area.

Section 8. 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 Redevelopment Plan.

Section 9. The City Clerk is hereby directed to record with the County Recorder of Solano County a notice of the approval and adoption of the Redevelopment Plan pursuant to this Ordinance, containing a description of the land within the Project Area and a statement that proceedings for the redevelopment of the Project Area have been instituted under the Community Redevelopment Law, and all other information as required by, and in accordance with, Health and Safety Code Section 33373.

Section 10. The City Clerk is hereby directed to transmit a copy of the description and statement recorded pursuant to Section 9 of this Ordinance, a copy of this Ordinance, and a map or plat indicating the boundaries of the Project Area, to the auditor and assessor of the County of Solano, to the governing body of each of the taxing agencies which receives taxes from property in the Project Area, and to the State Board of Equalization within thirty (30) days following adoption of this Ordinance.

Section 11. This ordinance shall be published in accordance with applicable provisions of law, by either publishing the entire ordinance once in the *River News Herald*, a newspaper of general circulation, published in the City of Rio Vista, within fifteen (15) days after its passage and adoption, or publishing the title or appropriate summary in the *River News Herald* at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

Section 12. If any part of this Ordinance or the Redevelopment Plan which 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 Redevelopment Plan, and this City Council hereby declares that it would have passed the remainder of this Ordinance or approved the remainder of the Redevelopment Plan if such invalid portion thereof had been deleted.

Section 13. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

PASSED AND ADOPTED this 20th day of May, 2010, by the following vote:

AYES: Councilmembers Jones, Krebs, Norman, Richards, and Mayor Vick

NOES: None

ABSENT: None

ABSTAIN: None

Mayor

ATTEST:

City Clerk