

RESOLUTION NO. _____

A RESOLUTION OF THE MILPITAS REDEVELOPMENT AGENCY APPROVING AND ADOPTING THE AGENCY'S REPORT TO THE CITY COUNCIL ON THE PROPOSED THIRTEENTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR MILPITAS REDEVELOPMENT PROJECT AREA NO. 1 AND THE PROPOSED SIXTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE GREAT MALL REDEVELOPMENT PROJECT, SUBMITTING SAID REPORT AND THE PROPOSED AMENDMENTS TO THE CITY COUNCIL OF THE CITY OF MILPITAS, AND CONSENTING TO A JOINT PUBLIC HEARING WITH THE CITY COUNCIL

WHEREAS, by Resolution No. 230, adopted on June 3, 1958, the City Council of the City of Milpitas ("City Council") formed the Milpitas Redevelopment Agency ("Agency") to formulate a redevelopment project or projects within the City of Milpitas; and

WHEREAS, on September 21, 1976, by Ordinance No. 192, the City Council adopted the Redevelopment Plan ("Redevelopment Plan" or "Plan") for the Milpitas Redevelopment Project Area No. 1 ("Original Project Area"); and

WHEREAS, the Redevelopment Plan has been amended a total of twelve (12) times (as amended, the "Existing Plan") to, among other things, add area to the Original Project Area (as amended, the "Project Area"), merge the Project Area with the Great Mall Redevelopment Project Area, increase the tax increment and bonded indebtedness limits, and extend the dates to incur debt, repay debt and collect tax increment; and

WHEREAS, on November 2, 1993, by Ordinance No. 192.8, the City Council adopted the Redevelopment Plan for the Great Mall Redevelopment Project ("Great Mall Redevelopment Plan"); and

WHEREAS, the Great Mall Redevelopment Plan has been amended a total of five (5) times to, among other things, add territory and merge with the Original Project Area (the "Merged Project Area"); and

WHEREAS, the Agency again desires to amend the Existing Plan ("Thirteenth Amendment" or "Amendment") to: 1) extend by 10 years the effectiveness time limit and time period to repay debt/collect tax increment of the Original Project Area and Amendment Areas No. 1 and 2 (collectively, the Original Project Area and Amendment Areas No. 1 and 2 are referred to as the "Amendment Areas"); 2) repeal the debt establishment limit for the Amendment Areas; 3) increase the tax increment limit and bonded indebtedness limit and exclude the Midtown Added Area from the tax increment limit; 4) add projects and facilities to the list of eligible projects and facilities the Agency may fund; 5) reinstate eminent domain over non-residential uses in the Amendment Areas; 6) add territory totaling approximately 600 acres ("Thirteenth Amendment Added Area" or "Added Area"); and 7) make certain technical corrections, revise and update the various text provisions within the Redevelopment Plan to conform to the requirements of the California Community Redevelopment Law ("CRL"); and

WHEREAS, the Agency is proposing to concurrently amend (the "Sixth Amendment") the Redevelopment Plan for the Great Mall Redevelopment Project ("Great Mall Project") to delete a non-contiguous area developed with a freeway sign ("Sixth Amendment Deleted Area"); the area identified for deletion is within the area proposed to be added to Project Area No. 1; and

WHEREAS, on August 4, 2009, by Resolution No. 7909, the City Council designated a redevelopment survey area and directed the Planning Commission of the City of Milpitas ("Planning Commission") to select the boundaries of the area proposed to be included within the Thirteenth Amendment Added Area from within the boundaries of the redevelopment survey area and formulate a preliminary plan for the redevelopment of the proposed Thirteenth Amendment Added Area; and

WHEREAS, on September 9, 2009, the Planning Commission selected and designated the boundaries of the Thirteenth Amendment Added Area, approved a Preliminary Plan for the Thirteenth Amendment Added Area ("Preliminary Plan"), and submitted said Preliminary Plan to the Agency; and

WHEREAS, on October 6, 2009, the Agency, by Resolution No. RA346, accepted the Preliminary Plan and directed preparation of the Preliminary Report for the Thirteenth Amendment and the transmittal of certain information to taxing officials; and

WHEREAS, the Agency has prepared a proposed Amended and Restated Redevelopment Plan incorporating the Thirteenth Amendment (“Amended and Restated Redevelopment Plan”) and has prepared the form of the proposed Sixth Amendment (collectively, the Thirteenth Amendment and the Sixth Amendment are referred to as the “Amendments”); and

WHEREAS, on December 1, 2009, by Resolution No. RA349, the Agency approved the Preliminary Report for the Thirteenth Amendment to the Redevelopment Plan for Milpitas Redevelopment Project Area No. 1 and the Sixth Amendment to the Redevelopment Plan for the Great Mall Redevelopment Project and authorized transmittal of the report to the affected taxing agencies, the Department of Finance (“DOF”), the Department of Housing and Community Development (“HCD”) and other interested persons and organizations; and

WHEREAS, on December 1, 2009, by Resolution No. RA350, the Agency received the Amendments and authorized the transmittal of the Amendments to the Planning Commission for its report and recommendation, and to the affected taxing agencies and other interested persons and organizations; and

WHEREAS, on December 1, 2009, by Resolution No. RA351, the Agency accepted and authorized the circulation of the Draft Environmental Impact Report prepared for the Amendments; and

WHEREAS, on December 1, 2009, by Resolution No. 7942, the City Council determined that a Project Area Committee need not be formed in the preparation of the Amendments and directed the Amendments be provided to and the Agency consult with residents, property owners, business owners, and existing civic and business organizations; and

WHEREAS, on December 9, 2009, the Planning Commission, by Resolution No. 09-056 determined the Amendments to be consistent with the City of Milpitas General Plan and recommended that the Agency and City Council approve and adopt the Amendments; and

WHEREAS, the Agency has caused to be prepared a Report to the City Council on the proposed Amendments (“Agency’s Report”) pursuant to CRL Sections 33352, 33451.5 and 33333.11; and

WHEREAS, the Agency’s Report has been submitted to and reviewed by the members of the governing board of the Agency; and

WHEREAS, CRL Sections 33355, 33458 and 33333.11 authorize the holding of a joint public hearing on the proposed Amendments with the consent of the Agency and the City Council.

NOW, THEREFORE, the Board of the Milpitas Redevelopment Agency hereby finds, determines, and resolves as follows:

Section 1: The foregoing recitals are true and correct.

Section 2: The Agency hereby approves and adopts the Agency’s Report to the City Council prepared for the proposed Amendments.

Section 3: The Agency hereby submits the Agency’s Report, together with the proposed Amendments, to the City Council of the City of Milpitas.

Section 4: The Agency hereby consents to and requests the City Council to call a joint public hearing of the Agency and the City Council on Tuesday, April 6, 2010, at 6:00 p.m., or as soon thereafter as possible, in the City Council Chambers, located at City Hall, 455 East Calaveras Boulevard, Milpitas, California, for the purpose of considering the proposed Amendments and all documents and evidence pertaining thereto.

Section 5: Agency staff is hereby directed to work with the City Clerk and Agency advisors in the preparation, publishing and mailing of notice of the joint public hearing, as required by CRL Sections 33349, 33350, 33356, 33361, 33452 and 33333.11 of the CRL.

Section 6: The Executive Director of the Agency is hereby authorized and directed to transmit a copy of the proposed Report to City Council with notice of the joint public hearing to each of the affected taxing entities, HCD, DOF and to other interested persons and organizations.

PASSED AND ADOPTED this ____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, Agency Secretary

Robert Livengood, Chair

APPROVED AS TO FORM:

Michael J. Ogaz, Agency Counsel