

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO,  
CALIFORNIA, APPROVING THE FIRST AMENDMENT TO  
THE DEVELOPMENT AGREEMENT BETWEEN THE CITY  
OF FRESNO AND BETTS SPRING COMPANY, A  
CALIFORNIA CORPORATION, EXTENDING THE TERM  
OF CERTAIN INCENTIVES THEREIN

WHEREAS, on November 27, 2007, the Council of the City of Fresno ("City") adopted Ordinance No. 2007-84/Bill No. B-84 approving a development agreement with Betts Spring Company, a California Corporation, ("Betts") pursuant to the provisions of Government Code sections 65864 et seq. (the "Development Agreement"); and

WHEREAS, the Development Agreement was made effective January 10, 2008, and recorded in the Official Records of Fresno County, California on April 28, 2008, as Document No. 2008-0061225 and relates to the property located at 2867 South Maple Avenue in Fresno, California; and

WHEREAS, Betts has requested that the City amend the Development Agreement via the First Amendment to the Development Agreement (the "Amendment"), attached hereto as Exhibit "A", to extend the property tax and sales tax incentives provided therein in exchange for its continued commitment to sustaining its business within the City; and

WHEREAS, City is agreeable to Betts' proposal for amending the Development Agreement; and

WHEREAS, pursuant to Government Code section 65686, a development agreement may be amended by mutual consent of the parties to the agreement; and

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Date Adopted

Date Approved

Effective Date:

City Attorney Approval:



Ordinance No. \_\_\_\_\_

WHEREAS, on October 13, 2016, the Council of the City of Fresno conducted a duly noticed public hearing on the proposed amendment of the Development Agreement; and

WHEREAS, the City prepared an Environmental Assessment for the Development Agreement, which resulted in a finding of conformity with the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 under Environmental Assessment No. S-07-04 with Addendum dated March 1, 2007, under the California Environmental Quality Act ("CEQA"); and

WHEREAS, City Staff has performed a preliminary environmental assessment based upon the proposed Amendment and, pursuant to CEQA Guidelines, section 15061(b)(3), has determined with certainty that there is no possibility that the Amendment may have a significant effect on the environment because it pertains solely to financial incentive timelines.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and adopted as findings.

SECTION 2. Based upon the testimony and information presented at the hearing and upon review and consideration of the supporting documents, the Council of the City of Fresno finds that adoption of the Amendment is in the best interests of the City of Fresno;

SECTION 3. The Council of the City of Fresno further finds that the provisions of the proposed Amendment are consistent with the City's General Plan and all applicable specific plans.

SECTION 4. The First Amendment to the Development Agreement between the City of Fresno and Betts Spring Company is approved in the form attached hereto as Exhibit "A," and the City Manager is authorized to execute the Amendment on behalf of the City.

SECTION 5. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

Attachment: Exhibit "A" – First Amendment to Development Agreement

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2016  
Mayor Approval/No Return: \_\_\_\_\_, 2016  
Mayor Veto: \_\_\_\_\_, 2016  
Council Override Vote: \_\_\_\_\_, 2016

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
RAJ SINGH BADHESHA  
Deputy City Attorney