

*RA Item # 1
Items 1, 2, 3
5/27/08 RA Telg
(RA-2008-133)*

REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04293

DATE OF FINAL PASSAGE JUN 02 2008

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING THE AGREEMENT BETWEEN BURGNER-CLARK LLC AND THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO; MAKING CERTAIN FINDINGS WITH RESPECT TO USE OF FUNDS FOR THE CLAIREMONT DRIVE MEDIAN PROJECT; AND AUTHORIZING FUNDING FOR THE PROJECT.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in the activities necessary to carry out and implement the Redevelopment Plan for the North Bay Redevelopment Project Area [the Project Area]; and

WHEREAS, in order to carry out and implement the Redevelopment Plan for the North Bay Project Area, the Agency proposes to enter into an agreement with Burgener-Clark LLC [Developer] for the construction of the Clairemont Drive median improvements [Agreement]; and

WHEREAS, the Agency has been requested to fund the construction of the Clairemont Drive median improvements [Project], within the Project Area, since the City of San Diego Capital Improvement Program Budget presently has insufficient funding for such improvements;

WHEREAS, the Agency will use tax increment monies from the Project Area in an amount not to exceed \$215,000 to pay for the Project; and

WHEREAS, the Project Area community members would benefit from the median improvements in the Clairemont community; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego, as follows:

1. That the Agency finds and determines: (a) that the Clairemont Drive median improvements are of benefit to the North Bay Redevelopment Project Area; (b) that there are no other reasonable means of financing for the Project available to the community; (c) that the Project will assist in eliminating one or more blighting conditions inside the Project Area; and (d) that the Project is consistent with the Implementation Plan adopted for the Project Area by the Agency on July 29, 2003, on file as Document No. 03664 in the office of the Secretary to the Agency pursuant to California Health and Safety Code Section 33490. These findings are set forth in more detail in Attachment 1 hereto.


2. That the Agency authorizes the expenditure not to exceed \$215,000 solely and exclusively for the purposes of providing funds for construction of the Project.

3. That the Executive Director of the Agency, or designee, is authorized to execute the Agreement for and on behalf of the Agency, and to administer the Agency's obligations, responsibilities, and duties to be performed under that Agreement, a copy of which, when executed, shall be placed on file in the Office of the Secretary of the Agency as Document No.

D- 04293

BE IT FURTHER RESOLVED, that this activity is exempt from CEQA pursuant to State of California CEQA Guidelines Section 153060 (c) (3).

APPROVED: MICHAEL J. AGUIRRE, General Counsel

By 
Carol A. Leone
Deputy Counsel

CAL:cfq

05/06/08
Or.Dept:CP&CI/RA
Aud.Cert:
RA-2008-133
Council:Companion R-2008-1026
MMS#6220

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of MAY 27 2008.

REDEVELOPMENT AGENCY

By 
Jeannette Santos, Deputy Secretary

Approved: 6.2.08
(date)


JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

Findings
(Health & Safety Code § 33445)
North Bay Redevelopment Project Area

SUBJECT IMPROVEMENTS:
CLAIREMONT DRIVE MEDIAN IMPROVEMENTS

The following findings are for the construction of the Clairemont Drive median improvements in the Clairemont community within the North Bay Redevelopment Project Area.

I. FINDINGS OF BENEFIT

The subject improvements for which the Redevelopment Agency of the City of San Diego (“Agency”) proposes to pay will benefit the North Bay Redevelopment Project Area in that:

- A. The improvements are within the North Bay Redevelopment Project Area.
- B. The improvements will enhance portions of the North Bay Redevelopment Project Area for the benefit of residents, visitors, and merchants.
- C. The improvements will provide improved traffic mobility and pedestrian safety along a commercial and transit corridor.

II. NO OTHER REASONABLE MEANS OF FINANCING

There are no other reasonable means available to the community for financing the subject improvements for which the Agency proposes to pay in that:

City of San Diego

- A. The City’s Capital Improvement Budget is funded with water and sewer fees, a half-cent local sales tax for transportation improvements, development impact fees, State and Federal grants and/or the issuance of bonds. The Fiscal Year 2008 Adopted Capital Improvements Program (CIP) Budget totals \$491.6 million, which is an increase of \$197.9 million from the Fiscal Year 2007 Annual Budget.
- B. Priorities of the City’s CIP budget are to address deferred maintenance projects, which according to the City’s 2009-2013 Five-Year Financial Outlook (January 2008) is estimated to be at least \$800 to \$900 million, excluding Water and Wastewater.

- A. The Agency's Budget was developed in accordance with City and Council Policy, and each project activity was evaluated and incorporated in the respective budgets. The Fiscal Year 2008 Annual Budget for City Redevelopment totals \$128.2 million. Of this amount, \$91.4 million is comprised of new funds with \$36.8 million carrying over from the previous year. The Agency also secured a \$70.0 million three-year line of credit through San Diego National Bank. This line of credit will be drawn upon to cover an estimated \$47.0 million of redevelopment project expenditures during Fiscal Year 2008. Tax increment to be generated in Fiscal Year 2008 in the City Redevelopment areas is estimated to exceed \$39.2 million.
- B. The cost of the Clairemont Drive median improvements in the Clairemont community is approximately \$215,000 (estimate). There are currently no funds allocated in the 2008 CIP Annual Budget to fund this Project. The Redevelopment Agency shall contribute up to \$215,000 of North Bay Redevelopment Project Area tax increment funds to finance these improvements.
- C. Funding from the CIP Budget for this project is presently unavailable as all available CIP funds for this fiscal year have been allocated to other priority public infrastructure projects.
- D. Revenue forecasts for Fiscal Year 2008 suggest that the rate of growth of the City's primary sources of revenue is expected to continue to show growth, though at a slower pace, and is expected to exceed the State and national economic trends from Fiscal Year 2007.

II. ELIMINATION OF BLIGHTING CONDITIONS

The payment of Agency funds toward the cost of the improvements will assist in the elimination of one or more blighting conditions inside the North Bay Redevelopment Project Area in that:

- A. The improvements will help to eliminate physical blighted conditions as the improvements will correct and upgrade substandard and deteriorated infrastructure and will improve traffic mobility and pedestrian safety.
- B. The improvements will upgrade deficient public right-of-way space by the construction of the Clairemont Drive median.
- C. The improvements will upgrade public infrastructure that does not meet City's standards for commercial, business and transit corridors.

- D. The improvements will help eliminate economic blighted conditions in that the traffic mobility and pedestrian safety will be enhanced, provide incentive for private investment, and improved maintenance in the surrounding area.

III. FINDINGS OF CONSISTENCY WITH IMPLEMENTATION PLAN

The payment of Agency funds toward the cost of the improvements are consistent with the Second Five-Year Implementation Plan for the Project Area, adopted pursuant to Health and Safety Code Section 33490, in that:

- A. The improvements are consistent with the Second Implementation Plan for the North Bay Redevelopment Project, which is recorded with the Agency as Document No. D-03664 and dated July 29, 2003, in that the improvements address the Implementation Plan's specific goals and objectives including:
 - i. Eliminate and prevent the spread of blight and deterioration, and conserve, rehabilitate, and redevelop the Project Area in accordance with the General Plan, specific plans, and local codes and ordinances;
 - ii. Improve, promote, and preserve the positive neighborhood characteristics in North Bay, while correcting physical and economic deficiencies in the community;
 - iii. Enhance pedestrian and vehicular mobility, and improve transportation facilities in compliance with ADA regulations;
 - iv. Enhance infrastructure facilities which improve the community and support public safety, health, and local vitality; and
 - v. Build public improvements to eliminate physical and economic conditions of blight.

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**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

AC 2800786

DEPT.

NO. 10275

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: Francisco J Lopez
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
01	0									
TOTAL AMOUNT										

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: _____ \$215,000.00

Vendor: Burgener-Clark, LLC

Purpose: Construction of the Clairemont Drive Median in the North Bay Redevelopment Project Area.

Date: _____ By: Francisco Lopez
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
01	0	98070	98074	2009	6030	002009				215,000.00
TOTAL AMOUNT										\$215,000.00

FUND OVERRIDE

MAY 27 2008

Passed by the Redevelopment Agency of The City of San Diego on _____, by the following vote:

Agency Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

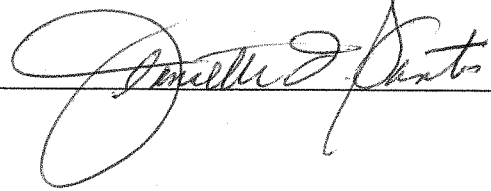
Date of final passage JUN 02 2008

AUTHENTICATED BY:

JERRY SANDERS
Executive Director of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
Secretary of The City of San Diego, California.

By , Deputy

Office of the Redevelopment Agency, San Diego, California

Resolution Number R- 04293