

*KH Item 3  
Items 1, 2 & 3  
RA mtg 9/2/08  
(RA-2009-13)*

REDEVELOPMENT AGENCY OF  
THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04321

DATE OF FINAL PASSAGE SEP 10 2008

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AUTHORIZING THE CENTRE CITY DEVELOPMENT CORPORATION TO ADVERTISE AND RECEIVE BIDS FOR CONSTRUCTION OF THE SAN DIEGO QUIET ZONE PROJECT FROM FIFTH AVENUE TO LAUREL STREET IN THE CENTRE CITY REDEVELOPMENT PROJECT AREA.

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

WHEREAS, the Centre City Development Corporation [Corporation] is responsible for implementing redevelopment projects in the Project Area; and

WHEREAS, in order to carry and implement the Redevelopment Plan, the Agency approved the Implementation Plans for the period of July 2004 – June 2009 for the Centre City and Horton Plaza Redevelopment Projects; and

WHEREAS, the Implementation Plan identifies the need to improve public safety by implementing a Quiet Zone; and

WHEREAS, the federal government, through the Federal Railroad Administration has addressed the quality of life issue of train horn noise in urban areas, in the Final Rule for the Use of Locomotive Horns at Highway-Rail Crossings which sets out regulatory procedures and technical requirements necessary for the implementation of a Quiet Zone; and

WHEREAS, in order to qualify for a Quiet Zone designation, additional safety enhancements at the crossings are required to be constructed; and

WHEREAS, the Redevelopment Agency has duly considered all conditions of the proposed payments for implementation of a Quiet Zone in the 13 public right-of-way railroad crossings north of the railroad freight yard that are in the downtown Redevelopment Area, Fifth and First avenues, Front Street, Kettner Boulevard, G and Market streets, Broadway and Ash, Beech, Cedar, Grape, Hawthorn and Laurel streets, and believes that the payment by the Agency of all or part of the cost of the safety, morals, and welfare of its residents are in accord with the public purpose and provisions of applicable state and local law requirements; NOW, THEREFORE,

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

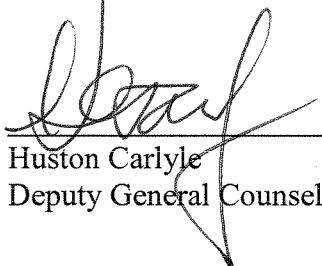
1. That it authorizes the Corporation, on behalf of the Agency, to advertise and receive bids for the construction of the San Diego Quiet Zone Project from Fifth Avenue to Laurel Street.
2. That the Agency finds and determines:
  - a) That the proposed designation of a Quiet Zone for which the Agency proposes to pay is of benefit to the Centre City Redevelopment Project or the immediate neighborhood in which the Project is located;
  - b) That no other reasonable means of financing the improvements are available to the community;
  - c) That the payment of funds of such improvements will assist in the elimination

of blighting conditions inside the Project Area; and that the proposed improvements are consistent with the Implementation Plan adopted for the Project Area pursuant to Health and Safety Code 33490. All of the above listed findings are more fully described in Attachment A.

3. That the Agency finds and determines and restates for the record that it has previously reviewed and considered information contained in the Final Mitigated Negative Declaration, SCH No. 2007021121, dated April 3, 2007, and concluded that the proposed Project and the associated roadway and/or crossing changes would not have a significant impact on the environment with implementation of the mitigation measures identified in the Mitigation Monitoring and Reporting Program.

APPROVED: MICHAEL J. AGUIRRE, General Counsel

By

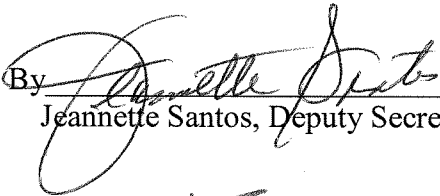


Huston Carlyle  
Deputy General Counsel

HC:cfq  
08/13/08  
Or.Dept:CCDC  
RA-2009-13  
Council:Companion R-2009-154  
MMS#6641

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of SEP 02 2008.

REDEVELOPMENT AGENCY

By   
Jeannette Santos, Deputy Secretary

Approved: 9-10-08  
(date)

  
JERRY SANDERS, Executive Director

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Executive Director

## FINDINGS

SUBJECT IMPROVEMENTS:        SAN DIEGO QUIET ZONE – AREAWIDE

### 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 Centre City Redevelopment Project (“Project Area”) or the immediate neighborhood in which the project is located in that:

- A.     The subject improvements are Areawide - within the Little Italy and East Village Redevelopment Districts of the Expansion Sub Area and the Columbia, Gaslamp and Marina Sub Areas of the Centre City Redevelopment Project, adjacent to underdeveloped properties and/or properties that have been designated as historic and will not likely be redeveloped in the near future.
  
- B.     The installation of improvements as required for the San Diego Quiet Zone (“Quiet Zone”) and the designation of a “Quiet Zone” per the Federal Railroad Administration (“FRA”) legislation per the “Final Rule” are planned for 13 railroad crossings in downtown San Diego, from south to north: Park Boulevard, Fifth and First avenues, Front and Market streets, Kettner Boulevard and G Street, Broadway, Ash, Beech, Cedar, Grape, Hawthorn, and Laurel streets. The improvements will enhance portions of the above-mentioned redevelopment districts for the benefit of nearby users as well as residents, businesses, and visitors to downtown San Diego. Park Boulevard will be designed and constructed as a separate Agency project.
  
- C.     The installation of the Quiet Zone improvements will correct adverse health and safety conditions related to the 13 railroad crossings.
  
- D.     The improvements will act as a catalyst providing an incentive for private investment in the rehabilitation of the areas.
  
- E.     The improvements will provide safe and efficient transportation systems.
  
- F.     The improvements will upgrade the railroad and street right-of-way grade crossings to the latest standards to maximize public and train safety.
  
- G.     The improvements will increase the quality of life for downtown residents and visitors by reducing the noise associated with train horns.
  
- H.     The improvements will minimize the conflict between pedestrians, vehicles, trains and trolleys.

## 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 Fiscal Year 2009 Budget for the City of San Diego (“City”) increased approximately 13% from \$2.916 billion to \$3.295 billion. Over the last several years, as the City’s Capital Improvement Program (“CIP”) has grown and revenues have leveled off, the City has developed phase funding to use available cash and minimize the issuance of bond proceeds. This is a means whereby large projects may be budgeted and contracted for in an efficient manner that maximizes the City’s use of available funds. The Fiscal Year 2009 Budget reflects General Fund Revenues and expenditures of \$1.19 billion, representing an increase of \$82.3 million or a 7.4% increase over the Fiscal Year 2008 Budget. The General Fund Budget also includes 7,477 positions, an increase of 219 positions over the Fiscal Year 2008 Budget. The net increase is due to the restructuring of the Engineering and Capital Projects Department from the Enterprise and Internal Service Funds to the General Fund.
- B. The City's Capital Improvement Budget is funded primarily with water and sewer fees, developer impact fees, grant funds, enterprise fund revenues, Facility Benefit Assessment funds, Gas Tax and Transnet funds. The Fiscal Year 2009 Capital Improvement Program Budget totals \$574 million, an increase of \$82.3 million from Fiscal Year 2008. The increase is primarily due to an increase in funding for capital projects addressing deferred maintenance needs. Despite the increase in the City’s CIP Budget, it is estimated that the City’s deferred maintenance and capital needs from Fiscal Year 2008, is \$800 million to \$900 million. The Fiscal Year 2009 CIP Budget provides for the sewer upgrade of the City’s Metropolitan and Municipal Wastewater System, water projects, Parks and Recreation projects, library projects, transportation projects and special projects.

The Agency's Fiscal Year 2009 Program Budget was adopted on May 20, 2008. The CIP and the Agency's Budget were developed in accordance with City and Council Policy, and each project activity was evaluated and incorporated in the respective budgets. Projects are funded based on need and the availability of appropriate funding sources.

On June 9, 2008, during the Fiscal Year 2009 City Budget deliberations, the City Council voted to increase the receipt of Agency repayments to the City to facilitate funding certain City budget recommendations made by the Independent Budget Analyst (Report #08-57, May 30, 2008).

### III. ELIMINATION OF BLIGHTING CONDITIONS

The payment of funds toward the cost of the design and construction of the subject improvements will assist in the elimination of one or more blighting conditions within the Little Italy and East Village Redevelopment Districts of the Expansion Sub Area and the Columbia, Gaslamp and Marina Sub Areas of the Centre City Redevelopment Project, and the proposed improvements are consistent with the Implementation Plan adopted for the Project pursuant to Health and Safety Code 33490, in that:

- A. The improvements will enhance user safety and access at the south and west sides of the entire downtown, and enhance desirability of adjacent land for full-capacity development and the elimination of blight.
- B. The improvements will act as a catalyst providing an incentive for private investment, thereby contributing to the removal of economic blight.
- C. “Improvements to existing water and sewer lines, streets, sidewalks, parkways, and lighting in the public right-of-way; continued participation in the enhancement of the public transit system” as a means to contribute to blight removal is included on page 4 of the work program of the Implementation Plan adopted June 15, 2004 pursuant to Health and Safety Code 33490.

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2900132

ORIGINATING

DEPT. NO.: 9960

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: \$17,900,000.00

Purpose: Authorizing the expenditure of funds in the amount of \$17,900,000 for San Diego Quiet Zone Project (Fifth Avenue to Laurel Street) - Request to Bid Construction - Areawide.

Date: August 18, 2008

By: Larissa Kogay

*Larissa Kogay*  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	99045	990451	2009	6030	990048				\$6,000,000.00
002	0	99045	990453	2009	6030	990048				4,350,000.00
003	0	99045	990454	2009	6030	990048				7,550,000.00
TOTAL AMOUNT										\$17,900,000.00

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.

Date: \_\_\_\_\_

By: \_\_\_\_\_

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

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

FUND OVERRIDE



Passed by the Redevelopment Agency of The City of San Diego on SEP 02 2008, 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 SEP 10 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-04321