



REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04535

DATE OF FINAL PASSAGE JUL 0 1 2010

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO [REDEVELOPMENT AGENCY] (i) STATING FOR THE RECORD THAT THE REDEVELOPMENT AGENCY, AS RESPONSIBLE AGENCY, HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE MITIGATED NEGATIVE DECLARATION (LDR 41-0980) AND THE ADDENDUM THERETO (LDR 41-0980) FOR THE NEW CENTRAL LIBRARY PROJECT AND THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE DOWNTOWN COMMUNITY PLAN; (ii) APPROVING THAT CERTAIN COOPERATION AGREEMENT BY AND BETWEEN THE REDEVELOPMENT AGENCY AND THE CITY OF SAN DIEGO FOR THE CONSTRUCTION OF THE NEW CENTRAL LIBRARY PROJECT; (iii) AUTHORIZING THE EXPENDITURE OF THE REMAINING \$62,930,000 OF PREVIOUSLY COMMITTED REDEVELOPMENT AGENCY FUNDS TO ASSIST WITH FUNDING A PORTION OF THE COSTS OF CONSTRUCTION OF THE NEW CENTRAL LIBRARY PROJECT LOCATED WITHIN THE EAST VILLAGE REDEVELOPMENT DISTRICT OF THE EXPANSION SUB AREA OF THE CENTRE CITY REDEVELOPMENT PROJECT AREA; AND (iv) AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO EXECUTE THE COOPERATION AGREEMENT AND TAKE RELATED ACTIONS.

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 Area [Project Area]; and

WHEREAS, the Centre City Development Corporation [Corporation] is authorized to administer, on behalf of the Agency, the Project Area; and

WHEREAS, pursuant to City Resolution No. R-296575 adopted on May 28, 2002, the City of San Diego [City] acting as the “lead agency” for purposes of the California Environmental Quality Act of 1970, California Public Resources Code section 21000 et seq. [CEQA], as amended, certified a Mitigated Negative Declaration (LDR 41-0980) [2002 MND] and adopted the Mitigation, Monitoring and Reporting Program for the New Central Library project (previously referred to as the San Diego New Main Library project); and

WHEREAS, pursuant to City Resolution No. R-297750 adopted on March 24, 2003, the City certified an Addendum to the MND (LDR 41-0980A) [2003 Addendum] for the New Central Library project; and

WHEREAS, pursuant to Resolution No. R-04001 with final passage on March 14, 2006, the Agency, acting as the designated “lead agency” for purposes of CEQA, has previously certified the Final Environmental Impact Report for the San Diego Downtown Community Plan, Centre City Planned District Ordinance and Tenth Amendment to the Redevelopment Plan for the Centre City Redevelopment Project [2006 Final EIR], on file in the office of the Agency Secretary as Document No. D-04001a, which includes analysis of the build-out of the Downtown Community Plan area which includes the site of the New Central Library, and the New Central Library is consistent with the Downtown Community Plan; and

WHEREAS, the City’s Development Services Department completed evaluations pursuant to CEQA Guidelines section 15162 dated October 9, 2009 and October 26, 2009, and determined that no further environmental review under CEQA was required for the New Central Library project; and

WHEREAS, pursuant to Agency Resolution No. R-03893 dated April 19, 2005 and City Resolution No. R-3003358 dated April 19, 2005, the Agency Board and the City Council,

respectively, made the findings required by California Health and Safety Code sections 33445 and 33679 for the Agency's expenditure of Agency funds toward the costs of construction of the New Central Library project; and

WHEREAS, pursuant to Agency Resolution No. R-03893 dated April 19, 2005 and City Resolution No. R-300358 dated April 19, 2005 (incorrectly numbered on the City Resolution as R-3003358), the Agency, with the City Council's consent, approved up to \$80 million of tax increment from the Centre City Redevelopment Project to assist with the funding of a portion of the costs of construction of the New Central Library project to be located on the block bounded by 11th Avenue, J Street on the north and Park Boulevard to the south in the East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project; and

WHEREAS, pursuant to Agency Resolution No. R-2489 dated May 2, 1995 and Agency Resolution No. R-03894 dated April 19, 2005, the Agency approved the expenditure of up to \$16.5 Million of Agency funds previously committed for the New Central Library project; and

WHEREAS, pursuant to Agency Resolution No. R-04454 dated November 12, 2009, the Agency approved the expenditure of up to \$570,000 of the previously committed Agency funds to assist with funding a portion of the costs of construction of the New Central Library project; and

WHEREAS, the Agency is hereby being requested to expend and contribute to the City the remaining Sixty Two Million Nine Hundred Thirty Thousand Dollars (\$62,930,000) of the previously committed Agency funds to assist with the costs of construction of the New Central Library project; and

WHEREAS, the Agency and the City desire to enter into a Cooperation Agreement [Cooperation Agreement] in order to establish certain terms for the construction of the New Central Library project including, without limitation, the funding for the construction of the New Central Library project, construction responsibilities and maintenance responsibilities; and

WHEREAS, the Agency finds and determines that the Agency's funding of certain costs associated with the New Central Library project and entering into the Cooperation Agreement are consistent with the goals and objectives of the Redevelopment Plan for the Project Area and the City's Downtown Community Plan, is in the best interests of the City and the Project Area and the health, safety, morals and welfare of its residents, and is in accord with the public purposes and provisions of applicable state and local law and requirements; NOW, THEREFORE,

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

1. That the Agency, as a Responsible Agency under CEQA, hereby states for the record that the Agency has reviewed and considered the information contained in the 2002 MND, and the 2003 Addendum thereto, and the 2006 Final EIR, including any comments received during the public review process.
2. That the Agency hereby approves the Cooperation Agreement by and between the Agency and the City of San Diego for the construction of the New Central Library project.
3. That the Agency hereby authorizes the expenditure and contribution to the City of San Diego of up to of Sixty Two Million Nine Hundred Thirty Thousand Dollars (\$62,930,000) to be used toward the development of the New Central Library project, thereby raising the total authorized expenditures toward the construction of the New Central Library project to \$80 Million, the total committed Agency funding amount.

4. That the Agency hereby authorizes the Chief Financial Officer, as delegated, to expend up to Sixty Two Million Nine Hundred Thirty Thousand Dollars (\$62,930,000) designated New Central Library project through the transfer of Forty Two Million Ninety Nine Thousand Nine Hundred Ninety Nine Dollars and Seventy Six Cents (\$42,099,999.76) of tax increment funds from the Project Area to the CC Contribution to City of San Diego, Fund No. 200633 and the transfer of Twenty Million Eight Hundred Thirty Thousand Dollars and Twenty Four Cents (\$20,830,000.24) of proceeds from the Centre City Tax Allocation Bonds, Series 2004 A bond issuance to the Capital Improvement Program Budget, WBS No. S-00799 New Central Library, Fund No. 200629 CC Contribution to City of San Diego – TE 2004A, as the Agency's contribution to the City of San Diego to be used toward the development of the New Central Library project, which transfers are contingent upon the approvals of the San Diego City Council of that certain Construction Manager At Risk Construction Services Agreement by and between the City and Turner Construction Company.

5. That the Agency hereby authorizes the Chief Financial Officer, as delegated, to transfer back to the Agency any and all funds remaining in either the CC Contribution to City of San Diego, Fund No. 200633 or the Capital Improvement Program Budget, WBS No. S-00799 New Central Library, Fund No. 200629 CC Contribution to City of San Diego – TE 2004A, the Agency's contribution to the City of San Diego, upon any cost savings of the New Central Library project.

6. That the President of Centre City Development Corporation, Inc. or designee is hereby authorized to expend funds as appropriate and consistent with this Resolution from the budget approved for the Centre City Redevelopment Project.

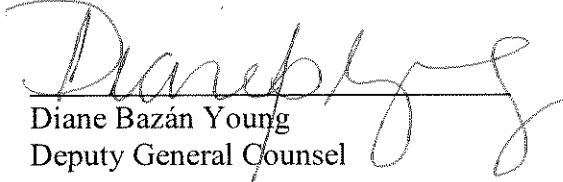
7. That the Agency authorizes the Executive Director or designee, for and on behalf of the Agency, to execute the Cooperation Agreement and to administer the Agency's

obligations, responsibilities and duties to be performed thereunder.

8. That the City Clerk, or designee, is hereby authorized and directed to cause the filing of a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego.

APPROVED: JAN I. GOLDSMITH, General Counsel

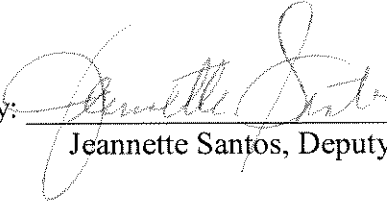
By


Diane Bazán Young
Deputy General Counsel

DBY:hm
06/17/10
Or.Dept:CCDC
Cert.No: 3000003355
RA-2010-109
MMS#10357

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at this meeting of JUN 28 2010

REDEVELOPMENT AGENCY

By: 
Jeannette Santos, Deputy Secretary

Approved: 7-1-10
(date)


JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

CC 3000003355

ORIGINATING

DEPT. NO.:

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: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
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: _____ \$62,930,000.00

Vendor: City of San Diego

Purpose: Authorize the transfer of Agency funds to two separate City funds to be used for the New Central Library. These funds are to be for direct costs.

Date: June 14, 2010

By: Francisco J Lopez
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	400638	920517101000	920517101101	Other-00000018-NS	516027	2220	2220500011		\$42,099,999.76
002	400369	920517101000	920517101101	Other-00000018-NS	516027	2220	2220500011		\$20,830,000.24
TOTAL AMOUNT									\$62,930,000.00

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000003355

Passed by the Redevelopment Agency of The City of San Diego on JUN 28 2010, by the following vote:

Agency Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<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"/>
Carl DeMaio	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<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"/>

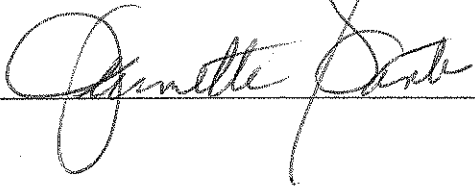
Date of final passage JUL 01 2010

AUTHENTICATED BY:

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

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

(Seal)

By , Deputy

Office of the Redevelopment Agency, San Diego, California

04535

Resolution Number R-_____