

RESOLUTION NUMBER R- 275045

ADOPTED ON JAN 23 1990

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO CONSENTING TO THE PAYMENT BY THE AGENCY FOR ALL OR PART OF THE COST OF THE INSTALLATION AND CONSTRUCTION OF CERTAIN COURTROOMS TO BENEFIT THE HORTON PLAZA REDEVELOPMENT PROJECT AREA AND ITS IMMEDIATE NEIGHBORHOOD; AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH PAYMENT FOR THE COURTROOMS.

WHEREAS, the Redevelopment Agency of The City of San Diego (the "Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Horton Plaza Redevelopment Project; and

WHEREAS, in order to carry out and implement such Redevelopment Plan the Agency proposes to pay for all or part of the cost of the installation and construction of certain courtrooms to benefit the project area and its immediate neighborhood pursuant to a Cooperation Agreement (the "Cooperation Agreement") between the Agency and the County of San Diego (the "County"), in the form on file with the City Clerk as Document No. RR- 275045; and

WHEREAS, the continuing location of the courtrooms in the Centre City area of San Diego will also contribute to implementing the Columbia, Marina and Gaslamp Quarter Redevelopment Projects which are located in the immediate neighborhood of the Horton Plaza Redevelopment Project; and

WHEREAS, pursuant to the California Community Redevelopment Law (California Health & Safety Code sections 33000, et seq.) this Council has considered the information regarding the benefit of the courtrooms to the Horton Plaza Redevelopment Project area and its immediate neighborhood (including the Columbia, Marina and Gaslamp Quarter Redevelopment Projects), including the information contained in Attachment No. 1 hereto; and has also considered the information regarding the availability of other means of financing the courtrooms available to the community, including the information contained in Attachment No. 2 hereto; and

WHEREAS, the City Council (the "Council") has duly considered all terms and conditions of the proposed payment as set forth in the Cooperation Agreement, and believes that the payment by the Agency of all or part of the cost of the courtrooms is in the best interests of the City and the health, safety, morals and welfare of its residents, and in accord with the public purposes and provisions of applicable State and local law and requirements; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego as follows:

1. That the Council recognizes that it has received and heard all oral and written objections to the proposed payment by the Agency for all or part of the cost of the installation and construction of the courtrooms, and to other matters pertaining to this transaction, and that all such oral and written objections are hereby overruled.

2. That the Council hereby finds and determines that the courtrooms for which the Agency proposes to pay under the Cooperation Agreement are of benefit to the Horton Plaza Redevelopment Project area and the immediate neighborhood in which the Project area is located, as described in Attachment No.

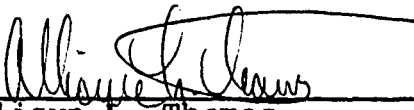
1. The Council hereby further finds and determines that no other reasonable means of financing the courtrooms for which the Agency proposes to pay under the Cooperation Agreement are available to the community, as described in Attachment No. 2.

3. That the Council hereby consents to the payment by the Agency for all or part of the cost of the courtrooms as described in the Cooperation Agreement.

4. That the Council hereby authorizes the City Clerk to deliver a copy of this Resolution to the Executive Director and members of the Agency.

APPROVED: JOHN W. WITT, City Attorney

By



Allisyn L. Thomas
Deputy City Attorney

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Or.Dept:CCDC
R-90-1040
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ATTACHMENT NO. 1

BENEFIT OF THE COURTROOMS

The courtrooms for which the Agency proposes to pay will benefit the Horton Plaza Redevelopment Project area and the immediate neighborhood in which the Project area is located (including the Columbia, Marina and Gaslamp Quarter Redevelopment Projects), in that:

- A. The present County justice facilities are adjacent to the Horton Plaza Redevelopment Project. The nine new courtrooms proposed to be funded are located approximately five blocks north and four blocks east of the Horton Plaza Redevelopment Project. The Federal Office Building Complex was built in Horton Plaza to link the Federal and County courts. It is important that new County courts be located as close as possible to this cluster, rather than moving out of Centre City, so that the relationship with the Federal Courts can be maintained and the office and hotel demand created in the Horton Plaza Redevelopment Project area by the legal community and related serves associated with the courts will support the viability of the Agency's redevelopment effort.
- B. The County agrees to retain the current courts immediately adjacent to the Horton Plaza Redevelopment Project area (and the nine additional courtrooms) in the downtown area. The Agency has funded a \$100,000 study updating a downtown court facilities master plan to support retention of the courts in the downtown area. This study should be complete by February 1, 1990.
- C. The expansion of the downtown court and related facilities is projected to increase the number of public, court-related employees from a present day number of 1,664 to 3,917 when completed in 2010. The amount of square feet to be added to the downtown judicial complex will increase from a present 385,000 square feet to over 2 million square feet. The resulting spinoff for private sector development and employment will create demand for uses in the Horton Plaza Redevelopment Project area and its immediate neighborhood.

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ATTACHMENT NO. 2

NO OTHER REASONABLE MEANS OF FINANCING

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

City of San Diego

- A. Courts are not a function or responsibility of the City.
- B. For the fiscal year 1989-90 budget, the City of San Diego made a number of budgetary reductions in order to finance immediate operating and capital needs. A number of capital projects remain unfunded due to limited funds.
- C. The City's capital improvement budget is funded primarily with developer's proceeds, enterprise funds revenues, or state and federal funds. The little discretionary funds available have been programmed for projects such as a police station and communications project.
- D. The City funded a \$2,000,000 program for litigation related to the SDG&E merger by deferring a capital project.
- E. During this fiscal year, the City encountered two large claims settlements, totaling more than \$18,000,000. The litigation reserve did not contain sufficient funds so capital project funding was utilized to make the payments.
- F. The City revenue from fines and forfeitures is substantially below projections due to the inability to incarcerate; this will place a further strain on the budget.
- G. The City has a critical need to replace its police communications and dispatch system which is inadequate and outdated; radio frequencies are beyond capacity. The cost for a new police and fire communications system and 800 mhz channels is over \$30,000,000. Only \$10,000,000 is currently available for this purpose.
- H. A study is currently being completed regarding the City's long-term operating and capital needs. The capital needs alone exceed \$1.0 billion; these cannot be met without new revenue sources.

County of San Diego

- A. The County Courthouse Temporary Facility Construction Fund, the primary source of funding for County court facilities and their maintenance, had an estimated revenue of

\$2,993,603. Thus, total available funds for fiscal year 1989-90 is \$7,893,603.

- B. During fiscal year 1989-90, \$3,813,258 is for major one-time or long-term commitments. These include the lease/purchase of the John Burnham Building (\$768,412), HVAC improvements to the downtown courthouse (\$907,783), leases (\$682,063), the South Bay Court remodel (\$1,130,000), and miscellaneous projects (\$325,000).
- C. For fiscal year 1989-90, there is \$1,753,758 in critically needed major maintenance projects and related expenditures.
- D. Thus, after deducting for major one-time and long-term commitments and critically needed major maintenance, the fund is left with \$2,326,587 for other capital projects.
- E. During fiscal year 1989-90, there was \$5,475,000 in requested additional capital projects for the courts. Thus, there was \$3,148,413 more in capital projects/major maintenance requests than available revenue.
- F. Below is a tabulation showing the County's fiscal needs for courtrooms.

Total Available Funds 7/1/89	\$2,993,603
Estimated Revenue Fiscal Year 1989-90	<u>4,990,000</u>
Total Available Funds	\$7,893,603
Less: Major One-Time or Long-Time Commitments	\$3,813,258
Major Maintenance	<u>1,753,758</u>
Total Funds Committed	\$5,567,016
Funds Available for Other Capital Projects	\$2,326,587
Less: Capital Project Requests	\$5,475,000
Deficit	<u>(\$3,148,413)</u>

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JAN 23 1990

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

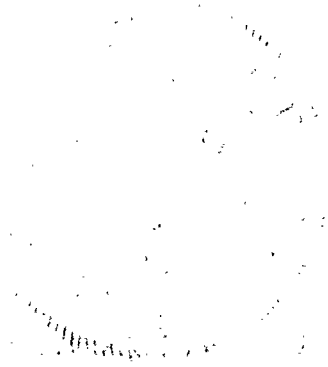
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Maureen O'Connor*, Deputy.

Office of the City Clerk, San Diego, California

Resolution **R-275045**
Number Adopted..... JAN 23 1990

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