

RESOLUTION NUMBER R- 304016
DATE OF FINAL PASSAGE AUG 25 2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO (1) MAKING CERTAIN FINDINGS AND DETERMINATIONS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445 WITH RESPECT TO THE TRANSIT IMPROVEMENTS IN THE CENTRE CITY REDEVELOPMENT AND GRANTVILLE REDEVELOPMENT PROJECT AREAS, (2) APPROVING A COOPERATION AGREEMENT RELATING TO THE FUNDING OF THE TRANSIT LINE IMPROVEMENTS BY AND BETWEEN THE CITY OF SAN DIEGO AND THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO BY USING TAX INCREMENT AND/OR LAND DISPOSITION PROCEEDS IN AN AMOUNT OF \$31,360,000 AND (3) MAKING CERTAIN FINDINGS ON THE ENVIRONMENTAL REVIEW COMPLETED FOR THE PROJECT.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary to execute and implement the Redevelopment Plan, as amended and supplemented from time to time, for the Centre City Redevelopment Project Area [Centre City Project]; and

WHEREAS, the Centre City Development Corporation [CCDC] is responsible for implementing redevelopment projects in the Centre City Project on behalf of the Agency; and

WHEREAS, the Agency is engaged in activities necessary to execute and implement the Redevelopment Plan, as amended and supplemented from time to time, for the Grantville Redevelopment Project Area [Grantville Project]; and

WHEREAS, the City of San Diego [City] has determined that the current condition of its transit lines are insufficient to continue to provide reliable public transportation to the residents of Centre City and Grantville Projects who commute between Centre City and Grantville

Projects, and has developed a plan for improving the transit lines in the Centre City and Grantville Projects to make it more reliable and meet its public transportation needs and demands for the immediate future (hereinafter "transit line improvements"); and

WHEREAS, the City and Agency have determined that one of the projects contemplated in the Grantville Redevelopment Plan is the transit line improvements. The transit line improvements include the construction of improvements to the public transit facilities [Section 400.1.6], transportation facilities [Section 420.2] and public transportation [Section 520.3] within and outside the Grantville Redevelopment Project Area. The transit line improvements will benefit the Grantville Redevelopment Project by improving the utilization of the transit station located within the Grantville Redevelopment Project Area and by improving the traffic situation in the Grantville Redevelopment Project Area as Grantville drivers are encouraged to use the transit line instead of driving to their home or workplace in the Centre City Redevelopment Project Area, e.g., downtown San Diego area; and

WHEREAS, the City has determined that its ability to provide adequate public transportation service to the downtown San Diego area for the benefit of the Grantville community who would be hampered if the transit line improvements not proceed at this time; and

WHEREAS, pursuant to Section 33445(a) of the California Community Redevelopment Law (Cal. Health & Safety Code §33000 et seq.) [Redevelopment Law], the Agency may, with the consent of the City Council of the City of San Diego [City Council], pay all or a part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or outside a project area, if the City Council makes certain determinations; and

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WHEREAS, the Agency is considering the use of tax increment from the Grantville Project to fund the transit line improvements, which is located within the Centre City and Grantville Projects and is publicly-owned by the Metropolitan Transit System, a California public agency comprised of San Diego Transit Corp., and San Diego Trolley, Inc., in cooperation with Chula Vista Transit and National City Transit (the "MTS") for the benefit of the Grantville community who commute between the Centre City and Grantville Project areas; and

WHEREAS, the Agency has been requested to use up to \$31,360,000 of tax increment and/or land disposition proceeds from the Grantville Project to fund the transit line improvements due to the City's lack of funding resources; and

WHEREAS, the construction for the transit line improvements would be administered (bid, contracted and inspected) by the City; and

WHEREAS, the Agency and the City are requested to approve a Cooperation Agreement (Attachment A) [Cooperation Agreement] that governs the administration and implementation of the transit line improvements by the City and oversight of the expenditure of funds by the Agency; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED, by the City Council, as follows:

1. The City Council hereby finds and determines that:
 - a. The transit line improvements are of benefit to the Grantville Project and Centre City Project and the immediate neighborhoods in which they are located;
 - b. No other reasonable means of financing the transit line improvements are available to the community; and

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- c. The payment of funds by the Agency for the costs related to the transit line improvements will assist in the elimination of one or more blighting conditions within the Grantville Redevelopment Project Area and Centre City Redevelopment Project Area and the transit line improvements are consistent with the 2005-2010 Five-Year Implementation Plan for the Grantville Redevelopment Project Area and 2004-2009 Five-Year Implementation Plan for the Centre City Redevelopment Project Area.
2. The City Council hereby consents to the payment of funds in an amount not to exceed \$31,360,000 by the Agency pursuant to the Cooperation Agreement to fund transit line improvements.
3. The Cooperation Agreement between the Agency and the City that governs the administration and implementation of the transit line improvements by the City and oversight of the expenditure of funds by the Agency is hereby approved in substantially the form presented at this meeting, with such minor changes as may be approved by the Mayor with the approval as to form by the City Attorney. The obligations of the Agency under the Cooperation Agreement shall constitute an indebtedness of the Agency for the purpose of carrying out the Redevelopment Plans for the Grantville Project and Centre City Project.
4. The Mayor, or his designee, is authorized to execute the Cooperation Agreement on behalf of the City and sign all documents necessary and appropriate to carry out and implement the Cooperation Agreement and to take any action and execute any and all documents and agreements necessary to implement this Resolution.

BE IT FURTHER RESOLVED, that the City finds that the Cooperation Agreement is a subsequent discretionary approval of the Grantville Redevelopment Plan addressed in the Program Environmental Impact Report for the Grantville Redevelopment Plan as well as the Redevelopment Plan for the Centre City Project addressed in the Final Environmental Impact Report for the Centre City Project and not a separate project under the California Environmental Quality Act [CEQA] and CEQA Guideline sections 15060(c)(3) and 15378(c); and

BE IT FURTHER RESOLVED, that the City finds that this subsequent discretionary approval of the Cooperation Agreement does not involve project changes, a change in circumstances, or new information of substantial importance which would warrant any additional environmental review.

MICHAEL J. AGUIRRE, City Attorney

By _____

Deputy City Attorney

XX:xxx
07/12/08
Or.Dept:R.A.
R-2009-64
Companion: RA-2009-6, 2009-7, 2009-8, 2009-9, 2009-10
MMS#6503

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 29 2008.

ELIZABETH S. MALAND
City Clerk

By *Elizabeth Maland*
Deputy City Clerk

Approved: 8.25.08
(date)

JSC
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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September 19, 2008

I Peggy Rogers, Deputy City Clerk, do hereby certify that this memorandum authored by Huston Carlyle on July 31, 2008, referred to an attached memorandum further explaining the position of the City Attorney's office authored and signed by City Attorney Michael Aguirre on July 31, 2008. That Memorandum is Attorney/Client privileged and is not a public record. It is being kept in a secure location by City Clerk Elizabeth Maland.



Peggy Rogers
Deputy City Clerk

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