

RESOLUTION NUMBER R- 304017

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 JOINT PROJECTS IN THE GRANTVILLE REDEVELOPMENT PROJECT AREA, (2) APPROVING A COOPERATION AGREEMENT RELATING TO THE FUNDING OF THE JOINT PROJECTS BY AND BETWEEN THE COUNTY 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 \$7,840,000 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 Grantville Redevelopment Project Area [Grantville Redevelopment Project Area]; and

WHEREAS, over the course of the Agency's implementation of the Redevelopment Plan for the Grantville Redevelopment Project Area [Grantville Redevelopment Plan], the County of San Diego [County] and Agency desire to provide for the project design, acquisition, administration, planning, permits, environmental review, work done as a result of environmental review, legal fees, financing, rehabilitation, construction, inspection, or project management related to project improvements of benefit to the Grantville Redevelopment Project Area, either within or without the Grantville Redevelopment Project Area [Joint Projects]; and

WHEREAS, the County and Agency have determined that the Joint Projects will benefit the Grantville Redevelopment Project Area; and

WHEREAS, the County has determined that its ability to provide to the Grantville Redevelopment Project Area for the benefit of the Grantville community who would be hampered if the Joint Projects 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

WHEREAS, the Agency is considering the use of tax increment and/or land disposition proceeds from the Grantville Redevelopment Project Area to fund the Joint Projects for the benefit of the Grantville community;

WHEREAS, the Agency has been requested to provide an amount of \$7,840,000 to fund the Joint Projects due to the County's lack of funding resources to fund the Joint Projects; and

WHEREAS, the Agency and the County are requested to approve a Cooperation Agreement (Attachment A) [Cooperation Agreement] that governs the administration and implementation of the Joint Projects by the County and/or Agency 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 Joint Projects are of benefit to the Grantville Redevelopment Project Area or the immediate neighborhood in which they are located;
  - b. No other reasonable means of financing the Joint Projects are available to the community; and
  - c. The payment of funds by the Agency for the costs related to the Joint Projects will assist in the elimination of one or more blighting conditions within the Grantville Redevelopment Project Area and the Joint Projects are consistent with the 2005-2010 Five Year Implementation Plan for the Grantville Redevelopment Project Area.
2. The City Council hereby consents the use of tax increment and/or land disposition proceeds from the Grantville Redevelopment Project Area by the Agency to fund Joint Projects, in an amount of \$7,840,000.
3. The Cooperation Agreement between the Agency and the County that governs the administration and implementation of the Joint Projects by the County and/or Agency and oversight of the expenditure of funds by 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 Plan for the Grantville Redevelopment Project Area.

4. The Mayor, or his designee, is authorized 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 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-2009-65

Companion: RA-2009-6, 2009-7, 2009-8, 2009-9, 2009-10

MMS#6503

*R.* 304017

(R-2009-65)

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 *Sara Richards*  
Deputy City Clerk

Approved: 8.25.08  
(date)

*JSL*  
JERRY SANDERS, Mayor

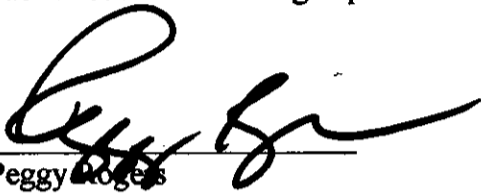
Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

*R* - 304017

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

R-304017