

RESOLUTION NUMBER R- 304980

DATE OF FINAL PASSAGE JUN 29 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO (i) MAKING CERTAIN FINDINGS WITH RESPECT TO THE PAYMENT FOR THE DESIGN AND INSTALLATION OF APPROXIMATELY 73 STREETLIGHTS [IMPROVEMENTS] FOR THE SOUTHCREST STREETLIGHTS IMPROVEMENT PROJECT IN THE SOUTHCREST REDEVELOPMENT PROJECT AREA [PROJECT AREA] IN ACCORDANCE WITH CALIFORNIA HEALTH AND SAFETY CODE SECTION 33445; (ii) ACCEPTING FUNDING FROM THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO [AGENCY] IN THE AMOUNT NOT TO EXCEED \$655,600, FROM FUND NO. 983341, AS AN INCREASE IN THE FISCAL YEAR 2009 CAPITAL IMPROVEMENT PROGRAM [CIP] BUDGET TO CIP NO. 52-293.0, FUND NO. 10267 SC-RDA, CONTRIBUTION TO CIP, TO BE USED TOWARD THE COST OF THE IMPROVEMENTS; (iii) AUTHORIZING A NOT TO EXCEED \$655,600 INCREASE IN THE FISCAL YEAR 2009 CAPITAL IMPROVEMENTS PROGRAM BUDGET IN CIP 52-293.0, FUND 10267 SC-RDA, CONTRIBUTION TO CIP; (iv) AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF NOT TO EXCEED \$655,600 FROM CIP NO. 52-293.0, FUND NO. 10267 SC-RDA, FOR THE DESIGN AND INSTALLATION OF THE IMPROVEMENTS; AND (v) AUTHORIZING THE RETURN TO THE AGENCY OF ALL FUNDS FROM THIS ALLOCATION REMAINING IF THERE ARE ANY COST SAVINGS.

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 Southcrest Redevelopment Project Area [Project Area]; and

WHEREAS, in order to carry out and implement the Redevelopment Plan, the Agency approved the Third 5-Year Implementation Plan for the period of July 2004 – June 2009 for the Project Area [Plans]; and

WHEREAS, the Implementation Plan identifies the need to improve public safety, deter crime and improve existing inadequate public improvements; and

WHEREAS, the Agency proposes to contribute not to exceed \$655,600 of Southcrest Redevelopment 2007 Series B Tax Allocation Bond funds, as allocated in the Fiscal Year 2009 Budget for the Project Area, from Fund No. 983341 to the City of San Diego [City], as an increase in the Fiscal Year 2009 Capital Improvement Program [CIP] Budget to CIP No. 52-293.0, Fund No. 10267 SC-RDA, Contribution to CIP, to pay for the cost of design and installation of approximately 73 streetlights [Improvements], to be constructed on various streets within the Project Area, as depicted in the Proposed Streetlights Location Map attached to the SEDC Report No. SEDC 09-006 as Attachment "1" and incorporated herein by this reference; and

WHEREAS, the Agency desires to pay for the cost of the Improvements to facilitate the Southcrest Streetlights Improvement Project because the City presently has insufficient funding for the Improvements; and

WHEREAS, the City will manage the design and installation of the Improvements and will own and be responsible for maintaining the Improvements upon completion; and

WHEREAS, the City Council of the City of San Diego has duly considered the proposed transaction described above and the proposed Agency financial contribution for the design and installation of the Improvements and finds that the transaction and the payment by the Agency of the costs of the Improvements are in the best interests of the Project Area, the City and the safety, morals, and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local law requirements; NOW, THEREFORE,

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

1. That the Council finds and determines:

(a) That the design and installation of approximately 73 streetlights [Improvements] to be constructed along various streets within the Southcrest Redevelopment Project Area [Project Area] for the Southcrest Streetlights Improvement Project, for which the Agency proposes to pay using Agency tax allocation bond funds from the Project Area, are of benefit to the Project Area and the immediate neighborhood in which the Project Area is located, as follows:

- (1) The Improvements are within the Project Area.
- (2) The Improvements will enhance portions of the Project Area to benefit the residents, visitors and merchants by providing a well-lit street and sidewalk area.
- (3) The Improvements will improve the pedestrian safety needs of residents and visitors of the area by providing additional lighting along the streets including areas along South 38th Street, Logan Avenue, and Newton Avenue.

(b) That no other reasonable means of financing the Improvements is available to the community (i.e. the City of San Diego [City]), as follows:

- (1) The City's Capital Improvement Project [CIP] Budget is funded primarily with water and sewer fees, a one-half-cent local sales tax for transportation improvements, development impact fees, State and Federal grants and/or the issuance of bonds. The Fiscal Year 2009 CIP Budget supports construction projects such as the development of park land, the construction of sewer pump plants, the acquisition of land for City use, the installation of traffic signals or street lighting systems, and the construction and remodeling of City facilities.
- (2) The CIP Budget was developed in accordance with City and Council Policy, and each project activity was evaluated and incorporated in the Budget. Projects are funded based on need and the availability of appropriate funding sources for that particular

project. The City's CIP budget for Fiscal Year 2009 totals \$587.0 million, an increase of \$95.3 million from Fiscal Year 2008 primarily due to an increase in funding for capital projects addressing deferred maintenance needs.

(3) Funding from the CIP Budget for this Project is presently unavailable as other priority public infrastructure projects have been allocated for available CIP funds in this fiscal year.

(c) That the payment of Agency funds for the cost of design and installation of the Improvements will assist in the elimination of blighting conditions within the Project Area, as follows:

(1) The Improvements will upgrade deficient public right-of-way space with new lighting which will improve the image of certain commercial and residential areas of the Project Area.

(2) The Improvements will upgrade public infrastructure that does not presently meet City's street lighting standards for commercial, business and residential corridors.

(3) The Improvements will help eliminate economically blighting conditions in that the neighborhood will be enhanced with lighting that may assist in deterring crime and provide incentives for private investment, improved maintenance and increased consumer activity in the surrounding areas.

(4) The Improvements will correct and upgrade substandard lighting infrastructure and will minimize the possibility of pedestrian incidents and hazards by providing increased lighting.

(d) That the Improvements are consistent with the Third 5-Year Implementation Plan adopted on June 25, 2004, for the Southcrest Redevelopment Project

pursuant to California Health and Safety Code Section 33490; a copy of said Plan is on file with the Agency as Document No. D-03773, as follows:

(1) The Improvements address the Implementation Plan's goals and objectives including:

- i. Promote revitalization of the community.
- ii. Upgrade the physical appearances of commercial and residential areas.
- iii. Alleviate the lack of public safety along the Project site.
- iv. Install public improvements to encourage private investment.
- v. Alleviate inadequate public improvements, facilities, and utilities.

(e) All of the findings set forth herein above are more fully described in the document titled "Findings" attached to the SEDC Agenda Report No. 09-006 as Attachment "3" and incorporated herein by this reference.

2. That the Mayor or designee is authorized to take all necessary actions to secure funding in an amount not to exceed \$655,600 from the Agency to be used toward the cost of design and installation of the Improvements.

3. That the Council hereby amends the Fiscal Year 2009 CIP Budget in CIP No. 52-293.0 by increasing the budget amount by \$655,600.

4. That the City Comptroller is authorized to accept an amount not to exceed \$655,600 from the Project Area tax allocation bond funds from Fund No. 983341, as an increase in the Fiscal Year 2009 CIP Budget to CIP No. 52-293.0, Fund No. 10267 SC-RDA,

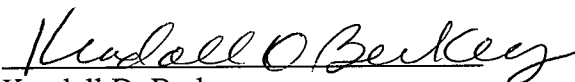
Contribution to CIP, to be used toward the cost of the design and installation of the Improvements.

5. That the Comptroller is authorized to appropriate and expend an amount not to exceed \$655,600 from CIP No. 52-293.0, Fund No. 10267 SC-RDA, for the purpose of design and installation of the Improvements, contingent upon the City Comptroller certifying the availability of funds.

6. That the City Comptroller is authorized to transfer back to the Agency all funds remaining in Fund No. 10267 SC-RDA, upon any cost savings should actual costs of the Improvements be less than \$655,600.

7. That the Council finds and determines that this activity is categorically exempt from the California Environmental Quality Act [CEQA] pursuant to CEQA Guidelines Sections 15303(d) AND 15304(f).

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Kendall D. Berkey
Deputy City Attorney

KDB:nda
04/27/09
06/24/09 Revised
Or.Dept:Redev.Agency
R-2009-1036
MMS#8658
Comp. RA-2009-98

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 09 2009.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6-29-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor