

RESOLUTION NO. 305182

ADOPTED ON JUL 31 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO: (i) MAKING CERTAIN FINDINGS WITH RESPECT TO THE PAYMENT FOR THE INSTALLATION OF A MULTIPLE-PURPOSE BUILDING AT NORTH CHOLLAS COMMUNITY PARK [IMPROVEMENTS] WITHIN THE CROSSROADS REDEVELOPMENT PROJECT AREA [PROJECT AREA] IN ACCORDANCE WITH CALIFORNIA HEALTH AND SAFETY CODE SECTION 33679; (ii) ACCEPTING FUNDING ASSISTANCE FROM THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO [AGENCY] FOR THE INSTALLATION OF THE IMPROVEMENTS; (iii) AMENDING THE CITY FISCAL YEAR 2010 CIP BUDGET TO INCLUDE, ACCEPT AND APPROPRIATE AN AMOUNT NOT TO EXCEED \$2,952,000 OF TAX INCREMENT FUNDS AND I-BANK LOAN FROM THE PROJECT AREA INTO WBS S-00654 (LEGACY CIP NO. 29-667.0) AND FOR SAID IMPROVEMENTS; AND (iv) AUTHORIZING THE RETURN TO THE AGENCY OF ANY AN ALL FUNDS FROM THIS ALLOCATION FOR THIS IMPROVEMENT 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 Crossroads Redevelopment Project Area [Project Area]; and

WHEREAS, in order to implement the Redevelopment Plan for the Project Area, the Agency has heretofore approved and adopted the Second Five-Year Implementation Plan for the period of Fiscal Years 2008 through 2012 [Second Implementation Plan]; and

WHEREAS, the Redevelopment Plan and the Second Implementation Plan identify the need for the construction of public improvements, including the installation of improvements at North Chollas Community Park, to eliminate blighting conditions in the Project Area; and

WHEREAS, the Agency now proposes to contribute up to \$952,000 from the Project Area's tax increment funds and a \$2,000,000 loan from the State of California Infrastructure Bank, derived from Fund No. 30075 (legacy No. 98250), Crossroads Redevelopment – CIP Contributions, to the City as an increase into the Fiscal Year 2010 Capital Improvement Program [CIP] Budget for the North Chollas Community Park Improvements WBS S-00654 (legacy CIP No. 29-667.0), for the installation of a Multiple-Purpose Building [Improvements], located within the Project Area; and

WHEREAS, the Agency desires to pay for the cost of the Improvements to implement the goals and objectives of the Redevelopment Plan and the Second Implementation Plan because the City presently has insufficient funding for the Improvements; and

WHEREAS, the City will manage the installation of the Improvements and will provide funding to maintain such Improvements in connection with the City's existing CIP project known as the North Chollas Community Park Improvements; and

WHEREAS, pursuant to Section 33445 of the California Community Redevelopment Law (Cal. Health & Safety Code § 33000 et seq.)[CRL], the Agency is authorized to pay for all or part of the land for and/or the installation and construction of any building, facility, or other improvement in the Project Area which is publicly owned; and

WHEREAS, pursuant to Section 33679 of the CRL, the Agency and the City Council held a public hearing on the proposed payment by the Agency toward the cost of the Improvements; having duly published notice of such public hearing, and made copies of the Summary Report for a Public Facility which is a Multi-Purpose Building for the North Chollas Community Park [Summary Report], available for public inspection and comment; and

WHEREAS, pursuant to the CRL, the Agency has considered the information regarding:

(1) the benefit of the Improvements to the Project Area and its immediate neighborhood, including the information contained in Section IV of the Summary Report; (2) the availability of other reasonable means of financing the Improvements to the community, including the information contained in Section IV of the Summary Report; (3) the assistance that will be given to the elimination of one or more blighting conditions inside the Project Area by the payment of funds for the Improvements, including the information contained in Section IV(2)(A) and (B) of the Summary Report; and (4) the consistency of the payment of funds for Improvements with the Implementation Plan for the Project Area adopted pursuant to Section 33490 of the CRL, including the information contained in Section VI(3)(B) of the Summary Report; 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 Improvements and finds that 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;

WHEREAS, this activity is covered under Mitigated Negative Declaration No. 98-0150, North Chollas Community Park. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Therefore, the activity is not a separate project for purposed of CEQA pursuant to CEQA Guidelines section 15060(c)(3); NOW, THEREFORE,

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

1. That the City Council recognizes that it has received and heard any and all oral

and written objections to the proposed payment by the Agency toward the cost of the land for and/or the installation and construction of the Multi-Purpose Building and Related Improvements, and to other matters pertaining to this transaction, and that all such oral and written objections are hereby overruled.

2. That the City Council finds and determines:

(a) The foregoing recitals are true and correct.

(b) That the installation of a multi-purpose building in the North Chollas Community Park [Improvement] to be owned and operated by the City of San Diego is of benefit to the Crossroads Redevelopment Project; said Improvements are located within the Crossroads Redevelopment Project Area [Project Area], for which the Redevelopment Agency of the City of San Diego [Agency] proposes to pay using Agency tax increment funds from the Project Area and funds from a loan from the State of California Infrastructure Bank, are of benefit to the Project Area and the immediate neighborhood in which the Project Area is located, as described in the Summary Report section IV(1);

(c) That no other reasonable means of financing the Improvements are available to the community, as described in the Summary Report section IV(2)(A) and IV(2)(B);

(d) That the payment of Agency funds for the cost of the installation of the Improvements will assist in the elimination of blighting conditions within the Project Area as described in the Summary Report section IV(3)(A);

(e) That the Improvements are consistent with the Second Five-Year Implementation Plan [Plan] as described in the Summary Report section IV(3)(B) adopted effective May 19, 2008 for the Crossroads Redevelopment Project pursuant to California Health

and Safety Code Section 33679; a copy of said Plan is on file with the Agency as Document No. D-04266; and

(f) All of the findings set forth herein above are more fully described in the Summary Report attached to the Report to Agency Board and City Council, and incorporated herein by this reference.

3. That the Mayor, or designee, is authorized to take all necessary actions to secure funding in an amount not to exceed \$2,952,000 [\$952,000 from the Project Area's tax increment funds and a \$2,000,000 loan from the State of California Infrastructure Bank] from the Agency to be used toward the cost of installation of the Improvements.

4. That the Council hereby amends the Fiscal Year 2010 Capital Improvement Program Budget for WBS S-00654 (legacy CIP No. 29-667.0) North Chollas Community Park Improvements for the installation of a Multiple-Purpose Building, and increases the budget amount by \$2,952,000.

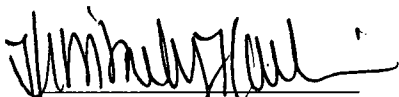
5. That the Chief Financial Officer or designee, is authorized, to accept an amount not to exceed \$952,000 from the Project Area tax increment funds and a \$2,000,000 loan from the State of California Infrastructure Bank loan, for the purpose of implementing the Installation of North Chollas Community Park Improvements and to deposit said funds into WBS S-00654 (legacy CIP No. 29-677.0), as an increase in the Fiscal Year 2010 Capital Improvement Program Budget, to be used toward the cost of installation of the Improvements.

6. That the Chief Financial Officer, or designee, is authorized to appropriate and expend an amount not to exceed \$2,952,000 [\$952,000 from the Project Area's tax increment funds and a \$2,000,000 loan from the State of California Infrastructure Bank] to WBS S-00654

(legacy CIP No. 29-677.0), for the North Chollas Community Park Improvements for the installation of a Multiple-Purpose Building.

7. That the Chief Financial Officer, or designee, is authorized to transfer back to the Agency any and all funds remaining in the Fiscal Year 2010 Capital Improvement Program Budget in WBS S-00654 (legacy CIP No. 29-677.0), for the North Chollas Community Park Improvements for the installation of a Multi-Purpose Building, upon any cost savings should actual costs of the Improvements be less than \$2,952,000.

APPROVED: JAN I. GOLDSMITH, City Attorney

By: 
Kimberly K. Kaelin
Deputy City Attorney

KKK:nda
06/25/09
Or.Dept:Redev.Agency
R-2009-1352
MMS#8124
Comp. RA-2009-147

I hereby certify that the foregoing Resolution was passed by the City Council of the City of San Diego, at this meeting of JUL 28 2009.

ELIZABETH S. MALAND
City Clerk

By: Mary Zumaya
Deputy City Clerk

Approved: 7-31-09
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor