

RESOLUTION NUMBER R- 305368

DATE OF FINAL PASSAGE NOV 12 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO (i) AUTHORIZING THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO [AGENCY], BY AND THROUGH THE CENTRE CITY DEVELOPMENT CORPORATION, TO ADMINISTER AND MANAGE THE CONSTRUCTION OF THE C STREET SAFETY ENHANCEMENT PUBLIC IMPROVEMENTS [IMPROVEMENTS] LOCATED IN THE CORE AND EAST VILLAGE REDEVELOPMENT DISTRICTS OF THE EXPANSION SUB AREA AND THE COLUMBIA SUB AREA OF THE CENTRE CITY REDEVELOPMENT PROJECT; (ii) MAKING CERTAIN FINDINGS AND DETERMINATIONS RELATED TO THE USE OF THE AGENCY'S TAX INCREMENT FUNDS FOR THE CONSTRUCTION OF THE IMPROVEMENTS, IN ACCORDANCE WITH CALIFORNIA HEALTH AND SAFETY CODE SECTION 33445; AND (iii) AGREEING TO ACCEPT THE IMPROVEMENTS UPON COMPLETION.

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 Centre City Redevelopment Project Area [Project Area]; and

WHEREAS, the Centre City Development Corporation [Corporation] is responsible for implementing redevelopment projects in the Project Area; and

WHEREAS, the Redevelopment Plan for the Project Area at Section 440.2 authorizes the Agency to cause the construction of public improvements, including improvements to bridges and streetlights, and at Section 110.1 states that the objectives for the Project Area include, among other things, upgrading the quality of life in the downtown area and coordinating the upgrade of community facilities that will serve the needs of the entire downtown area; and

WHEREAS, to implement the Redevelopment Plan for the Project Area, the Agency, pursuant to Resolution No. R-04405 adopted effective June 19, 2009, approved the Fourth Five-Year Implementation Plan for the period of July 2009 through June 2014 for the Centre City and

Horton Plaza Redevelopment Projects [Implementation Plan], in accordance with California Health and Safety Code section 33490; a copy of the Implementation Plan is on file with the Agency Secretary as Document No. D-04405e; and

WHEREAS, the Implementation Plan identifies the need to contribute to blight removal by making improvements to streets, sidewalks, parking and lighting in the public right-of-way within the Project Area; and

WHEREAS, consistent with the Implementation Plan and the Redevelopment Plan, the Corporation has proposed the installation of certain public improvements within the Project Area called the C Street Safety Enhancement Public Improvements consisting of the removal and replacement of broken and damaged sidewalks, and curbs and gutters; removal of obstructive large above-ground planters, trees, palms, unnecessary railings and bollards, tall landscaping and other obstructions; reinstallation of missing trees; replacement of missing landscaping in planters, missing tree grates with ADA-compliant tree grates, and missing streetlights; replant lower landscaping; reduction of the size of some planters that encroach into and narrow the pedestrian walkways and replace with sidewalk; and improvement of lighting by removing and replacing catenary pole High Pressure Sodium lights with induction lighting on selected blocks for greater night visibility and a lower maintenance cost [Improvements]; and

WHEREAS, Agency funds in the amount of \$283,576 are available in the Agency's Fiscal Year 2010 C Street Master Plan Budget for the Centre City Redevelopment Project to pay for the total cost of construction and installation of the Improvements; and

WHEREAS, the Agency, by and through the Corporation, now proposes to implement, administer and manage the construction and installation of the Improvements, and to contribute up to \$283,576 from the Project Area's tax increment funds to pay for the cost of construction and installation of the Improvements; and

WHEREAS, although the City of San Diego [City] will own and maintain the Improvements upon their completion, the Agency desires to pay for the cost of the construction and installation of the Improvements because the City presently has insufficient funding for the Improvements; and

WHEREAS, after having duly considered the actions described above and the Agency's proposed financial contribution for the construction and installation of the Improvements, the City Council finds that the actions and the payment by the Agency of all or part of the costs of the Improvements are of primary benefit to the Project Area and 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 authorizes the Agency, acting by and through the Corporation, to administer and manage the construction and installation of the C Street Safety Enhancement Public Improvements [Improvements], located in the Core and East Village Redevelopment Districts of the Expansion Sub Area and the Columbia Sub Area of the Centre City Redevelopment Project Area [Project Area].
2. That the Council authorizes the City to accept the Improvements, including the ongoing maintenance obligation associated therewith, upon completion of construction and installation of the Improvements.
3. That the Council authorizes the Mayor or designee to execute all documents on behalf of the City that are necessary and appropriate to carry out and implement the purposes set forth in this Resolution according to its terms, and to administer the City's obligations, responsibilities and duties to be performed hereunder.

4. That the Council finds and determines each of the following, in accordance with California Health and Safety Code section 33445:

(a) That the Improvements for which the Agency proposes to pay will benefit the Core and East Village Redevelopment Districts of the Expansion Sub Area and the Columbia Sub Area of the Project Area or the immediate neighborhood in which the Project is located in that:

(1) Increased lighting will improve public safety, deter crime and provide energy efficiencies.

(2) The Improvements will improve the C Street corridor by providing needed safety enhancement public improvements as supported by the neighborhood residents, businesses and various public organizations and agencies by improving public safety and health conditions and removing sight obstructions and conditions that create policing and safety issues.

(3) Replacement of inadequate improvements will improve commercial activity on C Street and pedestrian activity.

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

(1) In Fiscal Year 2009, the City experienced declining revenues in the City's four major revenue sources (property tax, sales tax, Transient Occupancy Tax (TOT), and franchise fees), resulting in a \$39.0 million reduction from the Fiscal Year 2009 Adopted Budget.

(2) In response to the economic downturn, the City reduced its General Fund revenue projections for Fiscal Year 2009 and restricted departmental spending. To balance the General Fund budget, City Council adopted the Fiscal Year 2009 Revised Budget on December 9, 2008 and February 3, 2009 by reducing \$36.6 million in expenditures. These

Fiscal Year 2009 budget adjustments were carried forward into the Fiscal Year 2010 Adopted Budget.

(3) The Fiscal Year 2010 Adopted Budget for the City decreased by approximately 5.8% from \$3.13 billion to \$2.95 billion. The Fiscal Year 2010 Budget reflects General Fund revenues and expenditures of \$1.13 billion, representing a decline of \$62.9 million or 5.3% over the Fiscal Year 2009 Adopted Budget. The General Fund Budget includes 7,396.92 FTE positions, a decrease of 148.30 FTE positions over the Fiscal Year 2009 Adopted Budget. The net decrease in General Fund positions is primarily due to the elimination of 146.95 FTE positions carried forward from the Fiscal Year 2009 Revised Budget.

(4) The City's Fiscal Year 2010 General Fund balanced budget, approved by City Council in June 2009, includes reduced revenue projections adjusted for a continuation of slow economic growth and a continued constriction of economic activity. Growth in revenues is anticipated to be negative in most major revenue categories such as sales tax, TOT, and property tax. The City Charter requires the City to maintain a balanced budget. The economic downturn and the negative effect of the Fiscal Year 2010 reduced revenues of approximately \$62.9 million (over the Fiscal Year 2009 Adopted General Fund Budget) confirms the need for the Agency to fund these improvements.

(5) The City's capital improvement budget is funded from various sources, including water and sewer fees, Development Impact Fees, grant funds, Facilities Benefit Assessment funds, and sale of City-owned property and TransNet funds. The Fiscal Year 2010 Capital Improvement Program [CIP] Budget totals \$478.4 million, a decrease of \$108.5 million from Fiscal Year 2009. The Fiscal Year 2010 CIP Budget provides for improvements to the City's water and sewer systems and projects for park and recreation, library, and transportation. Despite the decrease in the City's CIP Budget, it is estimated that the City's

deferred maintenance capital needs, excluding water and sewer projects, may be at least \$800 to \$900 million. The City financed \$103 million of this backlog in fiscal year 2009, but given the current economic recession and the decline in General Fund revenues, the City is unable to expend General Fund revenues on additional capital projects this fiscal year.

(6) On March 4, 2009, the Agency entered into a cooperation agreement with the City to fund the debt service on the PETCO Park bonds for the next five years due to the economic downturn and negative growth rates for some major revenues (Resolution No. R304728/Agency Report CCDC-09-07).

(c) That the payment of Agency funds toward the cost of the Improvements will assist in the elimination of one or more blighting conditions within the Core and East Village Redevelopment Districts of the Expansion Sub Area and the Columbia Sub Area of the Project Area, in that:

(1) The Improvements will enhance the neighborhood and replace inadequate public improvements. The Improvements will remove and replace these adverse conditions, upgrading the physical condition to match the improvements on nearby streets.

(2) The Improvements will act as a catalyst providing an incentive for private investment, thereby contributing to the removal of economic blight.

(3) “Improvements to existing water and sewer lines, streets, sidewalks, parkways, and lighting in the public right-of-way; continued participation in the enhancement of the public transit system” are specific means to contribute to blight removal as identified on Page 4 of the work program set forth in the Fourth Five-Year Implementation Plan for the Project Area adopted on June 19, 2009 [Implementation Plan], pursuant to California Health and Safety Code section 33490.

(d) That the payment of Agency funds toward the cost of the Improvements is consistent with the Implementation Plan, a copy of which is on file with the Agency as Document No. D-04405e, in that:

(1) The Improvements address the specific goals and objectives of the Implementation Plan, as identified on Page 9 of the work program which states in pertinent part as follows: "Encourage economically-viable development; increase economic and social vitality of bay front; provide uses and amenities that celebrate the community; provide public access and open space; create a signature expression that draws attention to the area; serve local community and tourists; and preserve and maximize bay views."

(2) By furthering the specific goals and objectives of the Implementation Plan, the Improvements and the Agency's payment thereof are a means to eliminate blight within the Project Area and to facilitate the objectives of the Implementation Plan.

(3) The Improvements are provided for in the Redevelopment Plan for the Project Area in that Section 440.2 of the Redevelopment Plan authorizes the Agency to cause the construction of public improvements, including improvements to bridges and streetlights, and that Section 110.1 of the Redevelopment Plan states that the objectives for the Project Area include, among other things, upgrading the quality of life in the downtown area and coordinating the upgrade of community facilities that will serve the needs of the entire downtown area.

5. That the Council hereby consents to the Agency's payment for the cost of the Improvements using tax increment proceeds generated from the Project Area.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Elisa A. Cusato
Elisa A. Cusato
Deputy City Attorney

KDB:nda
09/30/09
Or.Dept:CCDC
R-2010-221
MMS #10200
Comp. RA-2010-20

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 27 2009.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 11/12/09
(date)

[Signature]
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor