

306598

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE FEB 23 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CONSENTING TO THE ADDITIONAL PAYMENT BY THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO TO REIMBURSE THE CITY OF SAN DIEGO FOR THE DEBT SERVICE COST OF CERTAIN BALLPARK BONDS THE PROCEEDS OF WHICH WERE USED TO FINANCE THE COST OF THE LAND FOR OR THE INSTALLATION AND CONSTRUCTION OF, OR BOTH, THE BALLPARK AND RELATED IMPROVEMENTS WITHIN THE CENTRE CITY REDEVELOPMENT PROJECT AREA; APPROVING THE THIRD AMENDMENT TO BALLPARK COOPERATION AGREEMENT PERTAINING THERETO; AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH PAYMENTS AND RELATED IMPROVEMENTS.

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 (Project); and

WHEREAS, the Agency has approved and adopted the Implementation Plans for the Centre City and Horton Plaza Redevelopment Projects (July 2004-June 2009), and subsequently approved and adopted the First Amendment thereto (Implementation Plan) providing for the implementation of certain activities necessary or appropriate to carry out the Redevelopment Plan; and

WHEREAS, one of the projects proposed in the Redevelopment Plan and the Implementation Plan is the development of a baseball park and related improvements (Baseball Park and Related Improvements) within the East Village Redevelopment District of the Centre City Redevelopment Project Area (Project Area); and

WHEREAS, the City of San Diego (City) and the Agency have implemented a plan for such Baseball Park and Related Improvements as redevelopment activities pursuant to a

Memorandum of Understanding executed by them and others after approval thereof by the City's electorate, as supplemented and implemented by the parties (MOU); and

WHEREAS, in order to implement the Redevelopment Plan and the MOU, the Agency has previously agreed to pay toward the cost of the land for or the installation and construction of, or both, the Baseball Park and Related Improvements, pursuant to the Ballpark Cooperation Agreement between the Agency and the City, on file with the City Clerk as Document No. 292800 and with the office of the secretary of the Agency as Document No. D-03110, as amended by the First Amendment to Ballpark Cooperation Agreement, on file with the City Clerk as Document No. 294822 and with the office of the secretary of the Agency as Document No. D-03327, as further amended by the Second Amendment to Ballpark Cooperation Agreement, on file with the City Clerk as Document No. 304728 and with the office of the secretary of the Agency as Document No. D-04372 (collectively, the Ballpark Cooperation Agreement); and

WHEREAS, in order to facilitate the financing of the Baseball Park and Related Improvements, the City issued certain Lease Revenue Refunding Bonds, Series 2007A (Ballpark Bonds), of which approximately \$146,000,000 remains outstanding, with a current annual debt service of approximately \$11,300,000; and

WHEREAS, the Agency and the City now propose to further amend the Ballpark Cooperation Agreement to provide for the payment of additional funds by the Agency up to \$237,671,162.50 to reimburse the City for the debt service payments on the Ballpark Bonds for fiscal years 2012-2032, pursuant to a proposed Third Amendment to Ballpark Cooperation Agreement (Third Amendment); and

WHEREAS, the Ballpark and Related Improvements are proposed to be located on various sites in East Village as generally illustrated and designated on the Site Map attached as Exhibit A to the Ballpark Cooperation Agreement and as more particularly identified and described in such Ballpark Cooperation Agreement; and

WHEREAS, pursuant to California Health and Safety Code section 33445, the Agency is authorized to pay for all or part of the land for or the installation and construction of, or both, any building, facility, or other improvement in the Project Area which is publicly owned; and

WHEREAS, pursuant to Health and Safety Code section 33679, the Agency and the City Council held a public hearing on the proposed additional payments by the Agency toward the cost of the sites and applicable improvements as described in the Ballpark Cooperation Agreement and the Third Amendment; having duly published notice of such public hearing, and made copies of the Third Amendment to Ballpark Cooperation Agreement and a Summary Pertaining to the Additional Payment by the Agency for the Baseball Park and Related Improvements (Summary), available for public inspection and comment; and

WHEREAS, the City Council has considered the information regarding: (1) the benefit of the Baseball Park and Related Improvements to the Project Area and its immediate neighborhood, including the information contained in Section III of the Summary; (2) the availability to the community of other reasonable means to pay the costs of the debt service on the financing of the Baseball Park and Related Improvements, including the information contained in Section IV of the Summary; (3) the assistance that will be given to the elimination of one or more blighting conditions inside the Project Area by the additional payment of funds to reimburse the City for the debt service costs on the financing of the Baseball Park and Related Improvements, including the information contained in Section V of the Summary; and (4) the

consistency of the additional payment of funds to reimburse the City for the debt service costs on the financing of the Baseball Park and Related Improvements with the Implementation Plan for the Project Area adopted pursuant to Health and Safety Code section 33490, including the information contained in Section VI of the Summary; and

WHEREAS, the City Council has duly considered all terms and conditions of the proposed additional payments to the City to reimburse for costs as set forth in the Third Amendment, and believes that the additional payment by the Agency to reimburse the City for the cost of the debt service on the financing of the Baseball Park and Related Improvements is in the best interests of the Project Area, the City and the health, safety, morals and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local law and requirements; NOW, THEREFORE,

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

1. That the City Council recognizes that it has received and heard any and all oral and written objections to the proposed additional payment by the Redevelopment Agency of the City of San Diego toward the cost of the land for or the installation and construction of, or both, the Baseball Park and Related Improvements, and to other matters pertaining to this transaction, and that all such oral and written objections are overruled.

2. That the City Council finds and determines that:

a. The foregoing recitals are true and correct.

b. The additional payment of funds to reimburse the City for the cost of the debt service on the financing of the Baseball Park and Related Improvements for which the Agency proposes to pay under the Third Amendment to Ballpark Cooperation Agreement is of

benefit to the Centre City Redevelopment Project Area and the immediate neighborhood in which the Project Area is located, as described in Section III of the Summary;

c. No other reasonable means to pay for the debt service costs of the financing of the Baseball Park and Related Improvements under the Third Amendment to Ballpark Cooperation Agreement are available to the community, as described in Section IV of the Summary;

d. The additional payment of funds to reimburse the City for the cost of the debt service on the financing of the Baseball Park and Related Improvements will assist in the elimination of one or more blighting conditions inside the Project Area, as described in Section V of the Summary; and

e. The additional payment of funds to reimburse the City for the cost of the debt service on the financing of the Baseball Park and Related Improvements is consistent with the Implementation Plan for the Project Area adopted pursuant to Health and Safety Code section 33490, as described in Section VI of the Summary.

3. That the City Council consents to the additional payment by the Agency of up to \$237,671,162.50 to reimburse the City for the cost of the debt service on the Ballpark Bonds for fiscal years 2012-2032, as described in the Third Amendment to Ballpark Cooperation Agreement.

4. That the City Council approves the Third Amendment to Ballpark Cooperation Agreement.


5. That the City Council authorizes the Mayor, or designee, to execute the Third Amendment to Ballpark Cooperation Agreement on behalf of the City; a copy of the Third

Amendment to Ballpark Cooperation Agreement when executed by the Agency and the City of San Diego shall be placed on file in the office of the City Clerk as Document No. 306598.

6. That the City Council authorizes the Mayor, or designee, on behalf of the City, to sign all documents necessary and appropriate to carry out and implement the Third Amendment to Ballpark Cooperation Agreement, and to administer the City's obligations, responsibilities and duties to be performed under the Third Amendment to Ballpark Cooperation Agreement.

7. That the City Council finds and determines that the City of San Diego has previously certified the information contained in the Environmental Impact Report referenced by SCH No. 98121003, dated September 13, 1999 and adopted on October 26, 1999 by Council Resolution No. R-292363 (EIR), that this activity is covered under and adequately addressed in said EIR, that there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to the California Environmental Quality Act (CEQA), and that this activity is not a separate project for purposes of CEQA review pursuant to State CEQA Guidelines Section 15060(c)(3).

APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Brant C. Will
Deputy City Attorney

BCW:nja
01/26/2011
Or.Dept:Redev.Agency
R-2011-635
PL#2011-05429
Comp. RA-2011-67

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 08 2011.

ELIZABETH S. MALAND
City Clerk

By Mary Zumbaya
Deputy City Clerk

Approved: 2-23-11
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor