

**REDEVELOPMENT AGENCY MEETING
OCTOBER 12, 2010**

The meeting called to order as the City Council at 2:05 p.m. by Council President Hueso with all Council Members present.

Roll Call Lightner, Faulconer, Gloria, Young, DeMaio,
Frye, Emerald, Council President Hueso

Andrea Tevlin, Independent Budget Analyst
Tom Haynes, Independent budget Analyst
Jan Goldstone, City Attorney
Mary Jo Lanzafame, City Attorney
Elizabeth Maland, City Clerk

Council President Hueso recessed the meeting at 4:15 p.m. for the purpose of a break.

The meeting reconvened as the City Council at 4:15 p.m. by Council President Hueso with all Council Members present.

The meeting adjourned as the City Council at 4:20 p.m.

The meeting reconvened as the Redevelopment Agency at 4:20 p.m. by Chair Hueso with all Agency Members present.

Non Agenda Public Comment:

PC-1. Gary Smith commented on homeless.

Non-Docket:

Agency Member Frye stated that the Redevelopment Agency will be taking action on an item not posed on the agenda. They are allowed to do so by using Government Code Section 54954.2:

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

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Non-Docket:

(Continued)

- (3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.
- (c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

They will first take one vote (2/3 vote required) to add the item to the agenda. The second vote would be to send a letter of opposition to the governor regarding the legislation waiving the CAP for the downtown Redevelopment area.

Motion by Member Frye to add to the agenda for discussion "The City of San Diego Redevelopment Agency send a letter to the Governor regarding State Legislation to lift the CAP (with Chair Pro Tem Faulconer and Young nay)

Seconded by DeMaio

Passed by the following Vote: 6-2

Redevelopment Agency Item Non Docket:

ND1. Send a Letter of Opposition to the Governor regarding the Legislation Waiving the CAP for the Downtown Redevelopment Area.

Motion by Member Frye to request to "Send the Governor a Letter of Opposition to the Legislation Waiving the CAP from the Downtown Redevelopment Area" (with Chair Pro Tem Faulconer, Young, Chair Hueso in opposition, and Emerald not present)

Seconded by Member DeMaio

Failed by the following Vote: 4-3-1

Public testimony by Murtaza Baxamusa, Craig Benedetto, Bill Sauls, Will Berry, Janelle Riella, Lorena Gonzalez, and Mike Aguirre.

Chair Hueso recessed the meeting at 5:15 p.m. for the purposed of a break.

The Redevelopment Agency meeting reconvened at 5:20 p.m. by Chair Pro Tem Faulconer with Chair Hueso not present.

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Redevelopment Agency Item Non Docket:
(Continued)

ND1. Send a Letter of Opposition to the Governor regarding the Legislation Waiving the CAP for the Downtown Redevelopment Area.

Motion by Member Frye "Request that CCDC report back no later than January 30, 2011, with all information requested from RDA/CCDC staff during the June 22, 2010 meeting and most importantly the following: 1) A plan to make the General Fund whole (net budget neutral) from any cap increase; 2) identify analysis of potential benefits and a nexus to adjoining areas to Redevelopment Area; 3) Report back on discussions and negotiations with the County regarding tax revenue sharing agreements and ways monies could be linked to discussion of funding for social services in the project area; 4) Provide an update on proposed projects being considered by the RDA to generate the kinds of tax increments needed to support the increase in the cap; 5) Require that CCDC staff and the Executive Director of the Redevelopment Agency report to the Agency within 30 days explaining how this event occurred. (with Chair Hueso not present)

Seconded by Member DeMaio

Passed by the following Vote: 7-0

1. Approval of the minutes of:
September 14, 2010

Motion by Member Gloria to Approve (with Chair Hueso not present)

Seconded by Chair Pro Tem Faulconer

Passed by the following Vote: 7-0

Adoption

2. Settlement Agreement Pertaining to Litigation with Jack in the Box, City Heights Redevelopment Project Area (District 3)

(RA-2011-28)

Item 1. Approve and authorize the Executive Director or designee to execute the Settlement Agreement and Release with jack in the Box; and

Item 2. Authorize the City Chief Financial Officer or designee to appropriate and expend up to \$1,230,000 from the City Heights Redevelopment Project Area to satisfy the payment requirement of the Settlement Agreement.

This activity will not result in a direct or reasonably foreseeable indirect physical change in the environmental, and is therefore not subject to CEQA Guidelines Section 15060(c)(2).

Redevelopment Agency Report no. RA-10-39, dated October 6, 2010.

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Adoption

2. Settlement Agreement Pertaining to Litigation with Jack in the Box, City Heights Redevelopment Project Area (District 3)

(Continued)

Motion by Member Gloria to Adopt (with Chair Hueso not present)
Seconded by Member Emerald

Redevelopment Agency Resolution and Document numbers R-04574 and D-04574.

3. Broadway Median Improvement & Lighting Project (Broadway from Kettner Boulevard to Third Avenue)-Request to Bid-Columbia Sub Area of the Centre City Redevelopment Project and Horton Plaza Redevelopment Project (District 2)

(This item was continued from the Redevelopment Agency Meeting, September 28, 2010, RA Item no. 4 and City Council Companion Item no. 334)

(RA-2011-19)

That the Redevelopment Agency ("Agency"):

- Item 1. Authorizes the Centre City Development Corporation ("Corporation"), on behalf of the Agency, to advertise and receive bids for the proposed construction of the Project, located in the Project Areas (Attachment A-Site Map);
- Item 2. Authorizes the Agency Executive Director or designee, to award the construction contract to the lowest responsible bidder, provided bids are within the established budget of \$17,250, that the construction contract shall not exceed \$17,250 and all other requirements are met;
- Item 3. Authorizes the Agency Executive Director or designee to execute the construction contract with the lowest responsible bidder;
- Item 4. Authorizes the Corporation, on behalf of the Agency, to administer said construction contract; and
- Item 5. Makes certain findings that the proposed Project benefits the Project Areas by helping in the elimination of one or more blighting conditions inside the Project Areas; that no other reasonable means of financing the Project for which the Agency proposes to pay is available to the community; and that the payment of Agency funds toward the cost of the Project is consistent with the Fourth Five-Year Implementation Plan adopted June 19, 2009 for the Project Areas ("Implementation Plan") pursuant to California Health and Safety Code Section 33490 (Attachments B and C-Findings of Benefit).

REDEVELOPMENT AGENCY MEETING MINUTES-OCTOBER 12, 2010

Adoption

3. **Broadway Median Improvement & Lighting Project (Broadway from Kettner Boulevard to Third Avenue)-Request to Bid-Columbia Sub Area of the Centre City Redevelopment Project and Horton Plaza Redevelopment Project (District 2)**

(Continued)

Item 5. Makes certain findings that the proposed Project benefits the Project Areas by helping in the elimination of one or more blighting conditions inside the Project Areas; that no other reasonable means of financing the Project for which the Agency proposes to pay is available to the community; and that the payment of Agency funds toward the cost of the Project is consistent with the Fourth Five-Year Implementation Plan adopted June 19, 2009 for the Project Areas (“Implementation Plan”) pursuant to California Health and Safety Code Section 33490 (Attachments B and C-Findings of Benefit).

This Project is categorically exempt from the California Environmental Quality Act (CEQA) under State (CEQA) Guidelines Section 15301 (entitled “Existing Facilities”). Section 15301 applies to a class of projects (“Class 1”) that includes the operation, repair, maintenance, permitting, leasing, or minor alteration of existing public and private structures, facilities, mechanical, equipment, or topographical features when the project involves negligible or no expansion of the existing use.

Section 15301 identifies example projects including, but not limited to improvements to existing highways, streets, sidewalks gutters, bicycle and pedestrian trails and similar facilities. The application of the Class 1 categorical exemption is, therefore, appropriate in this case as the proposed project involves the installation of street median enhancements. The application of a categorical exemption to this project is not precluded by any of the exceptions set forth in State CEQA Guidelines Section 15300.2.

Centre City Development Corporation report no. CCDC-10-36 and CCDC-10-11, dated September 22, 2010.

Council Companion Item no. 334

Public testimony in favor did not speak Janelle Riella.

Staff: Gary Bosse, 619-533-7163

Agency Counsel: Charles Jagolinzer

Comptroller Certificate Number: CC3000003555

Motion by Member Emerald reject (with Chair Pro Tem Faulconer and Young in opposition and Chair Hueso and DeMaio not present)

Seconded by Member Lightner

Failed by the following Vote: 4-2

Returned to staff.

REDEVELOPMENT AGENCY MEETING MINUTES-OCTOBER 12, 2010

Adoption

4. Interim Leash-Free Dog Park and Block Improvements (block bounded by G Street, Park Boulevard, Market Street and Eleventh Avenue) Request to Bid-East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment (District 2)

(This item was continued from the Redevelopment Agency Meeting, September 28, 2010, RA Item no. 5 and City Council Companion Item no. 332)

(RA-2011-25)

That the Redevelopment Agency ("Agency"):

- Item 1. Authorize the expenditure of an amount not to exceed \$616,278 to pay for the cost of construction of the Improvements located within the Project Area;
- Item 2. Authorizes the Centre City Development Corporation, Inc. ("Corporation"), on behalf of the Agency, to advertise and receive bids for construction of the Improvements;
- Item 3. Authorizes the Agency Executive Director or designee to award the construction contract to the lowest responsible bidder, provided responsive bids from a responsible contractor are within the established budget of \$616,278 and all other requirements are met;
- Item 4. Authorizes the Agency Executive Director or designee to execute the construction contract with the lowest responsible bidder for construction of the improvements;
- Item 5. Authorizes the Corporation, on behalf of the Agency, to administer the construction contract, and
- Item 6. Make certain findings pursuant to section 33445 of the California Health and Safety Code that the Improvements are of benefit to the Project Area by helping to eliminate blighting conditions within the Project Area, that no other reasonable means of financing construction of the Improvements are available to the community, and that the payment of Agency funds for construction of the Improvements is consistent with the Fourth Five-Year Implementation Plan for the Project Area adopted pursuant to section 33490 of the California Health and Safety Code.

REDEVELOPMENT AGENCY MEETING MINUTES-OCTOBER 12, 2010

Adoption

4. **Interim Leash-Free Dog Park and Block Improvements (block bounded by G Street, Park Boulevard, Market Street and Eleventh Avenue) Request to Bid-East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment (District 2)**

(Continued)

This Project is categorically exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15332 (entitled "In-Fill Development Project"). The Project involves the redevelopment of an existing construction laydown yard with various landscape and hardscape improvements to create a small downtown dog park and certain upgrades to an existing parking lot and adjacent public right-of-way. The Project is consistent with the goals and policies of the Downtown Community Plan, which calls for the development of small "pocket" parks throughout downtown, and with the development standards of the Centre City PDO. The development occurs on a site of less than 5 acres in size, and is surrounded on all sides by urban uses. The site is currently developed with a surface parking lot/construction laydown yard, and has no value as habitat for endangered, rare or threatened species. The site is located in a densely populated, active and walkable urban area and the Project will not have significant effects on traffic, noise or air quality beyond those which currently exist in the surrounding area. The Project will not have significant effects on water quality due to design features that will capture and filter water runoff, which will percolate onsite and not be discharged into the stormwater system. The application of a categorical exemption to the Project is not precluded by any of the exceptions set forth in State CEQA Guidelines Section 15300.2.

Centre City Development Corporation report no. CCDC-10-40 and CCDC-10-13, dated September 22, 2010.

Council Companion Item no. 333

Staff: Mark Caro, 619-533-7138

Agency Counsel: Kendall Berkey

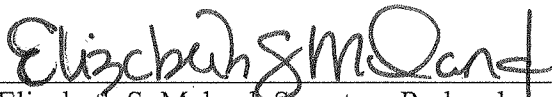
Comptroller Certificate Number: CC3000003565

Returned to staff.

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Adjournment

The meeting adjourned as the Redevelopment Agency with City Council at 5:53 p.m.



Elizabeth S. Maland, Secretary Redevelopment Agency
of the City of San Diego (jis)