

RESOLUTION NO. 73406

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE MAKING CERTAIN DETERMINATIONS REQUIRED BY STATE LAW FOR REDEVELOPMENT AGENCY FUNDING OF PUBLIC IMPROVEMENTS TO PROPERTY THAT IS PUBLICLY OWNED BY SAN JOSE UNIFIED SCHOOL DISTRICT

WHEREAS, Gardner Academy, formerly Gardner Elementary School, is located within the Greater Gardner area of the Strong Neighborhoods Initiative Redevelopment Project Area ("Project Area"); and

WHEREAS, the Greater Gardner Coalition and the Gardner Academy staff support the use of funds available from the Agency for the installation of a new perimeter fence along West Virginia Street and part of Illinois Avenue ("Public Improvement"); and

WHEREAS, the total cost for the Public Improvement is estimated to be \$148,830, and the San Jose Unified School District has approved funding not to exceed \$75,000 for the Public Improvement; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency, with the consent of the legislative body, to pay for the costs of certain public improvements if the legislative body determines that: 1) the public improvements benefit the Project Area; 2) no other reasonable means of financing the improvements are available to the community, and 3) payment for the improvements will assist in the elimination of blight in the Project Area and is consistent with the Five-Year Implementation Plan adopted pursuant to California Health and Safety Code Section 33490; and

WHEREAS, the proposed Public Improvement is located in and would benefit the Project Area by creating a visual connection between the Gardner Academy School and the Gardner Community Center and with student and community participation in

providing the art work for the fence's three art panels, the Public Improvement will increase community pride for the children, adults and elders due to their participation in the revitalization effort of the neighborhood; and

WHEREAS, the Public Improvement, located at the gateway of the community, will assist in eliminating blight within the Project Area by improving the aesthetics along West Virginia Street, enhancing the current improvements to the West Virginia streetscape and contributing to Gardner Academy continuing to be a strong focal point of the neighborhood; and

WHEREAS, sufficient funds to pay for the entire Public Improvement is not included in the City's Capital Budget nor San Jose Unified School District's budget, and there is no other reasonable means of financing the Public Improvement; and

WHEREAS, the Public Improvement is consistent with the Project Area's Five-Year Implementation Plan, which provides for the creation of attractive and well-maintained public spaces.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF SAN JOSE:

- A. Determines that Agency funding of the Public Improvement:
 - (1) benefits the Strong Neighborhoods Initiative Redevelopment Project Area;
 - (2) cannot be reasonably financed by other means available to the community;
 - (3) assists in the elimination of blight in the Project Area;
 - (4) is consistent with the adopted Five-Year Implementation Plan for the Project Area.

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B. Consents to the Agency's funding of the Public Improvement.

ADOPTED this 12th day of September, 2006, by the following vote:

AYES: CAMPOS, CHIRCO, CORTESE, LeZOTTE, NGUYEN,
PYLE, REED, WILLIAMS, YEAGER, CHAVEZ

NOES: NONE

ABSENT: GONZALES

DISQUALIFIED: NONE

CINDY CHAVEZ
Vice Mayor

ATTEST:

LEE PRICE, MMC
City Clerk