

RESOLUTION NO. 73155

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE MAKING CERTAIN FINDINGS REQUIRED UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33445 RELATED TO REDEVELOPMENT AGENCY FUNDING OF PUBLIC IMPROVEMENTS TO THE MEXICAN CULTURAL HERITAGE GARDENS

WHEREAS, in 2003, the Mexican Heritage Corporation (“Corporation”) was awarded a \$1,000,000 grant from the State of California Historical and Cultural Resources Preservation Opportunity Grant Program for the Mexican Cultural Heritage Gardens (“Gardens”); and

WHEREAS, the State’s grant will be paid to the Corporation on a reimbursement basis, but the Corporation is reestablishing its financial stability and does not have the capital resources to enter into the contracts necessary to perform the work planned under the grant; and

WHEREAS, the Corporation has requested the Agency’s assistance in managing the planning and implementation of the capital improvements and providing the up-front funding for these capital improvements, which include upgrades to the security systems, upgrades to the HVAC equipment and controls for the theater and gallery space, upgrades in door hardware and interior finishes, increased visibility to public art, enhanced hardscape, planting and lighting, and electrical upgrades to support all of the proposed projects (“Public Improvement”); and

WHEREAS, the Agency will award construction projects consistent with the grant program in a total not to exceed \$950,000 and will be repaid by the Corporation, to the extent possible, from the State’s grant funds; 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 implementation plan; and

WHEREAS, the proposed Public Improvement would benefit the Alum Rock Project Area ("Project Area") by upgrading an existing public facility that preserves the history and culture of California; and

WHEREAS, the Public Improvement will assist in eliminating blight within the Project Area by improving the viability of the public performance spaces, making it more accessible and inviting to the surrounding neighborhoods and general public; and

WHEREAS, the Public Improvement is not included in the City's Capital 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 Implementation Plan, which provides for improved community facilities such as community centers and public open space.

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 Alum Rock Redevelopment Project Area;
 - (2) cannot be reasonably financed by other means;
 - (3) assists in the elimination of blight;
 - (4) is consistent with the adopted Implementation Plan for the Project Area.

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

ADOPTED this 2nd day of May, 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