

RESOLUTION NO. 73704

**RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE
MAKING CERTAIN DETERMINATIONS REGARDING THE
EXPENDITURE OF REDEVELOPMENT AGENCY FUNDS FOR
CERTAIN PUBLIC IMPROVEMENTS IN THE WEST SAN CARLOS
STREET REDEVELOPMENT PROJECT AREA**

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 Council has received and considered that certain memorandum entitled “Determinations Regarding Funds Transferred to the City for Public Improvement Project” from the Assistant Director of the Redevelopment Agency of the City of San José to the City’s Principal Budget Analyst, dated November 22, 2006, which includes a discussion of certain public improvements in the West San Carlos Street Redevelopment Project Area (the “Project Area”); and

WHEREAS, the Project Area was created pursuant to the provisions of the California Community Redevelopment Law (California Health and Safety Code Sections 33000, *et. seq.*) and the adoption of a redevelopment plan; and

WHEREAS, in connection with the adoption of the redevelopment plan, the Redevelopment Agency has determined that blighting conditions exist within the Project Area and that the implementation of various public improvements is an element of the redevelopment plan; and

WHEREAS, the implementation plan for the Project Area includes provisions for creating a more attractive shopping district in the Project Area; and

WHEREAS, the improvements referenced in the November 22, 2006 Memorandum are intended to accomplish the goal of eliminating blight within the affected Project Area by: installing LED uprights in the landscaped medians along West San Carlos Street to assist in attracting new retail uses for a more vital business district; and

WHEREAS, the City’s capital budget does not include funding for these public improvements and there are no other reasonable means of financing the project;

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

- A. The City Council hereby determines, based upon the information contained in the memorandum from the Assistant Director dated November 22, 2006, that Redevelopment Agency funding of the installation of LED uprights in the landscaped median along West San Carlos Street between McEvoy Street and Highway 880 in the West San Carlos Street Redevelopment Project Area:
1. Will benefit the impacted Redevelopment Project Area; and
 2. Cannot be reasonably funded by other means; and
 3. Will assist in the elimination of blight in the Project Area by creating a more attractive shopping district and assisting in attracting new retail uses for a more vital business district; and
 4. Is consistent with the implementation plan for the Project Area.
- B. The City Council hereby consents to the Redevelopment Agency's funding of those public improvements.

ADOPTED this 27th day of March, 2007, by the following vote:

AYES: CAMPOS, CHIRCO, CORTESE, LICCARDO, NGUYEN,
OLIVERIO, PYLE, WILLIAMS; REED

NOES: NONE

ABSENT: CONSTANT

DISQUALIFIED: NONE

VACANT DISTRICT 4

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk