

RESOLUTION NO. 74283

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE MAKING CERTAIN DETERMINATIONS REQUIRED BY REDEVELOPMENT LAW, HEALTH AND SAFETY CODE SECTION 33445, FOR REDEVELOPMENT AGENCY FUNDING OF THE PUBLIC IMPROVEMENTS FOR THE MONTGOMERY THEATER AUDIO PROJECT**

**WHEREAS**, the Montgomery Theater (“Theater”) is home to the Children’s Musical Theater, other small musical and dramatic productions, and is a venue for lectures; and

**WHEREAS**, there is no permanent audio system for the Theater, which requires that an audio system be rented for each production; and

**WHEREAS**, the proposed improvement to the Theater includes the supply and installation of a permanent audio system (“Project”); 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 Project benefits the Park Center Plaza Redevelopment Project Area (“Project Area”) by improving the functionality and usefulness of a building that is a key public facility within the Project Area; and

**WHEREAS**, no other reasonable means of financing the Project is available as the City has no funds currently budgeted or otherwise identified to pay for the Project, and no

other source, public or private, has been identified to provide funds to accomplish this Project; and

**WHEREAS**, increasing the attractiveness of the Theater as a performance venue will bring more visitors to the Project Area and other Downtown project areas, and increased visitors will stimulate economic investments in the area and will assist in the elimination of blighting conditions in the Downtown project areas; and

**WHEREAS**, the Project is consistent with the adopted implementation plan for the Project Area, which identifies the provision of new or enhanced cultural, convention, recreational and entertainment facilities as one of its goals;

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

A. Determines that Agency funding of the Project:

- (1) benefits the Park Center Plaza Redevelopment Project Area;
- (2) cannot be reasonably financed by other means;
- (3) assists in the elimination of blight in the Downtown project areas;
- (4) is consistent with the adopted implementation plan for the Park Center Plaza Redevelopment Project Area.

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B. Consents to the Agency's funding of the Project.

ADOPTED this 11th day of MARCH, 2008, by the following vote:

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

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk