

RESOLUTION NO. 74324

**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 JAPANTOWN
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 Senior Landscape Architect of the Redevelopment Agency of the City of San José to the City’s Capital Budget Coordinator, dated October 16, 2007 which includes a discussion of certain public improvements in the Japantown Redevelopment Project Area (the “Project Area”); and

WHEREAS, the Council has also received and considered the First Amendment to the Project Services Memorandum (PSM #519) Japantown Street and Decorative Lighting Project Reduce Scope of Services, dated March 3, 2008 by the Director of Project Management of the Redevelopment Agency, the Deputy Director of the Department of Transportation, and the Senior Landscape Architect of the Redevelopment Agency which reduces the scope of work in 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 improvements to create a more attractive shopping district; and

WHEREAS, the improvements referenced in the October 16, 2007 Memorandum and the First Amendment dated March 3, 2008 are intended to accomplish the goal of eliminating blight within the affected redevelopment area by the purchase and retrofit installation of luminaire cobra head lights with 19 high pressure sodium lights located

along Jackson Street between 3rd and 9th Streets; and the purchase and retrofit installation of 72 banner poles with florescent tubes along Jackson Street between 3rd and 6th Streets in the Japantown Redevelopment Project Area to enhance the appearance of the area and 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 Senior Landscape Architect dated October 16, 2007 and the First Amendment dated March 3, 2008, that Redevelopment Agency funding of the purchase and retrofit installation of luminaire cobra lights with 19 high pressure sodium lights located along Jackson Street between 3rd and 9th Streets; and the purchase and retrofit installation of 72 banner poles with florescent tubes along Jackson Street between 3rd and 6th Streets in the Japantown 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 enhancing the appearance of the area 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 15th day of April, 2008, by the following vote:

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

NOES: NONE.

ABSENT: CONSTANT.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk