

**RESOLUTION NO. 74517**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ MAKING CERTAIN DETERMINATIONS REQUIRED BY REDEVELOPMENT LAW, HEALTH AND SAFETY CODE SECTION 33445, FOR AGENCY FUNDING OF PUBLIC IMPROVEMENTS AT THE SAN JOSÉ CIVIC AUDITORIUM**

**WHEREAS**, the Redevelopment Agency of the City of San José (“Agency”) is presently engaged in redevelopment activities within the Park Center Plaza Redevelopment Area (“Project Area”); and

**WHEREAS**, the Civic Auditorium with adjacent Montgomery Theatre is a key public facility within the Project Area; and

**WHEREAS**, the proposed improvements to the Civic Auditorium facility will preserve the use of the Civic Auditorium for both general assembly space by convention center users and for concerts and other entertainment, and will extend the useful life of the facility; and

**WHEREAS**, the proposed improvements at the Civic Auditorium include the demolition of the current boiler system, which dates to the mid 1930’s, and construction of a new 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 by preserving the functionality and usefulness of the Civic Auditorium, which is a key public facility within the Park Center Plaza Redevelopment 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 the Project; and

**WHEREAS**, preserving the attractiveness of the Civic Auditorium as a performance venue will maintain current visitors within the Park Center Plaza Redevelopment Project Area and other Downtown project areas; maintaining visitors will maintain current levels of economic stimulus and investments in the area and will continue to assist in the elimination of blighting conditions in the Downtown project areas; and

**WHEREAS**, the Project is consistent with the Five-Year Implementation Plan for the Park Center Plaza Redevelopment 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 THAT THE COUNCIL OF THE CITY OF SAN JOSE:

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 24<sup>th</sup> day of June 2008, by the following vote:

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

NOES: NONE.

ABSENT: CONSTANT.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk