

RESOLUTION NO. 74542

**RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ
MAKING CERTAIN DETERMINATIONS REGARDING THE
EXPENDITURE OF REDEVELOPMENT AGENCY FUNDS FOR
CERTAIN PUBLIC IMPROVEMENTS IN MARKET GATEWAY
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 Project Manager of the Redevelopment Agency of the City of San José to the City's Capital Budget Coordinator, dated June 3, 2008 which includes a discussion of certain public improvements to the California Theatre located in the Market Gateway 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 the installation of mechanized side stage platforms for the orchestra pit in the California Theatre; and

WHEREAS, the improvements referenced in the June 3, 2008 Memorandum are intended to accomplish the goal of eliminating blight within the Project Area by improving the use and operation of a prominent public and cultural facility and allowing Team San José to increase the operational functionality of the facility by providing safe mechanical platforms in the orchestra pit for use by arts and cultural groups leasing the facility; 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 Project Manager dated June 3, 2008, that Redevelopment Agency funding of the installation of mechanized side stage platforms for the orchestra pit in the California Theatre located in the Market Gateway 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 improving the use and operation of a prominent public and cultural facility and allowing Team San José to increase the operational functionality of the facility by providing safe mechanical platforms in the orchestra pit for use by arts and cultural groups leasing the facility; 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 12th day of August 2008, by the following vote:

AYES:	CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE, LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED.
NOES:	NONE.
ABSENT:	NONE.
DISQUALIFIED:	NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk