

**RESOLUTION NO. 75058**

**A 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 PARK CENTER  
REDEVELOPMENT PROJECT AREA IN THE GREATER DOWNTOWN**

**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 Project Management of the Redevelopment Agency of the City of San José to the City's Capital Budget Coordinator, dated April 6, 2009 which includes a discussion of certain public improvements in the Park Center 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 removal of existing pan lids and the installation of City Arborist approved planting materials over existing street tree roots in the sidewalk area adjacent to the Tech Museum of Innovation; and

**WHEREAS**, the improvements referenced in the April 6, 2009 Memorandum are intended to accomplish the goal of eliminating blight within the Project Area by removing a potentially hazardous condition in the sidewalk area where extensive pedestrian

activity occurs and replaces the pan lids with a City Arborist approved planting material that allows for better watering and drainage for the trees within the sidewalk, thus enabling the existing trees to grow strong and be an attractive streetscape element within the Project Area; 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 of Project Management dated April 6, 2009 that Redevelopment Agency funding of the removal of existing pan lids and the installation of City Arborist approved planting materials over existing street tree roots in the sidewalk area adjacent to the Tech Museum of Innovation:
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 removing a potentially hazardous condition in the sidewalk area where extensive pedestrian activity occurs and replaces the pan lids with a City Arborist approved planting material that allows for better watering and drainage for the trees within the sidewalk, thus enabling the existing trees to grow strong and be an attractive streetscape element within the Project Area; 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 23<sup>rd</sup> day of June 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk