

*KMM  
12/4/07 RA Title*

(RA-2008-62)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04234

DATE OF FINAL PASSAGE DEC 18 2007

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING SECOND REHABILITATION GRANT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AND NTC FOUNDATION.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Naval Training Center [NTC] Redevelopment Project Area [the Project Area]; and

WHEREAS, the NTC Foundation [Foundation], an independent 501(c)(3) nonprofit corporation established pursuant to the Naval Training Center Disposition and Development Agreement [DDA] approved in June 2000 between the Agency and McMillin-NTC, LLC, is responsible for the rehabilitation and management of the buildings in the area of the Historic Core designated for the Civic, Arts and Cultural Center [CACC]; and

WHEREAS, in January 2004, the Agency entered into the Rehabilitation Grant Agreement [Grant Agreement] with the Foundation which provided the Foundation with a grant of \$5.85 million in loan proceeds from the United State Department of Housing and Urban Development Section 108 Loan Guarantee Program for the rehabilitation of buildings that comprised Phase 1 of the Foundation's development plan; and

WHEREAS, the Grant Agreement included a provision that, upon the request of the Foundation, the Agency's Executive Director would make a recommendation to the Agency's

governing body for approval of additional funding assistance not to exceed \$6.0 million for costs relating to the rehabilitation of additional buildings in the CACC; and

WHEREAS, according to the Grant Agreement, the Executive Director's recommendation to provide additional funding is dependent upon the availability of funding, the completion of the rehabilitation and subleasing of the buildings funded by the \$5.85 million grant, and the ability of the Foundation to provide matching funds, at least dollar-for-dollar with a minimum of \$1,000,000; and

WHEREAS, the Foundation has fulfilled all the obligations of the Grant Agreement including completion of the rehabilitation of the buildings and the leasing of all of them except Building 200, which was intended to be, and is, used by the Foundation as office/meeting space and as a visitor's center, and through its capital campaign, the Foundation has raised more than \$20.1 million; and

WHEREAS, the NTC Foundation has submitted to the Agency copies of the proposed Second Rehabilitation Grant Agreement in a form desired by the NTC Foundation; and

WHEREAS, the Agency has duly considered all of the terms and conditions of the proposed Second Rehabilitation Grant Agreement and believes that the conditions contained in the proposed Second Rehabilitation Grant Agreement are in the best interests of the City and the health, safety, morals and welfare of its residents, and in accord with the public purposes and provisions of applicable State and local law and requirements; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego, as follows:

1. That all the terms and conditions in the proposed Second Rehabilitation Grant Agreement are hereby accepted and approved.

2. That the Executive Director of the Agency, or designee, is authorized to execute the Second Rehabilitation Grant Agreement with the NTC Foundation for and on behalf of the Agency. A copy of the Second Rehabilitation Grant Agreement is on file in the office of the secretary of the Agency as Document no. D-04234.

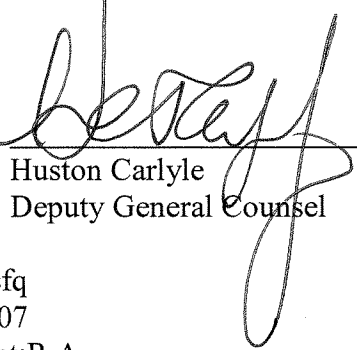
3. That the Executive Director of the Agency, or designee, is authorized to expend an amount not to exceed Six Million Dollars (\$6,000,000), contingent on an Auditor's Certificate to do so, to grant to the NTC Foundation for the rehabilitation of a portion of the Foundation's Phase 2 development costs.

4. That the Executive Director of the Agency, or designee, is authorized, on behalf of the Agency, to sign all documents necessary and appropriate to carry out and implement the Second Rehabilitation Grant Agreement and to administer the Agency's obligations, responsibilities and duties to be performed under the Second Rehabilitation Grant Agreement.

5. That this activity is not a "project" and is therefore exempt from the California Environmental Quality Act [CEQA] pursuant to State of California CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, General Counsel

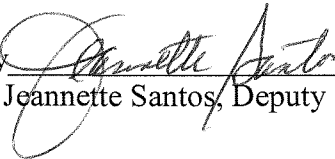
By

  
Huston Carlyle  
Deputy General Counsel

CAL:cfq  
11/14/07  
Or.Dept:R.A.  
Aud.Cert:  
RA-2008-62  
MMS#5581

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of DEC 04 2007.

REDEVELOPMENT AGENCY

By   
Jeannette Santos, Deputy Secretary

Approved: 12.18.07  
(date)

  
JERRY SANDERS, Executive Director

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Executive Director

**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

AC 2800388  
DEPT. \_\_\_\_\_  
NO. 10275

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \_\_\_\_\_ Fund: \_\_\_\_\_

Purpose: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \_\_\_\_\_ \$6,000,000.00

Vendor: NTC FOUNDATION

Purpose: Per second rehabilitation grant agreement with NTC Foundation, the Agency will draw from a line of credit funds up to \$6,000,000 to reimburse NTC Foundation actual costs incurred in the rehabilitation of certain historic buildings with the Navel Training Center Civic and Cultural Center.

Date: November 15, 2007 By: Francisco J Lopez  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	4614	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
01	0	98056	980561	2009	4222	002009				\$6,000,000.00
TOTAL AMOUNT										\$6,000,000.00

FUND OVERRIDE

Passed by the Redevelopment Agency of The City of San Diego on DEC 18 2007, by the following vote:

Agency Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

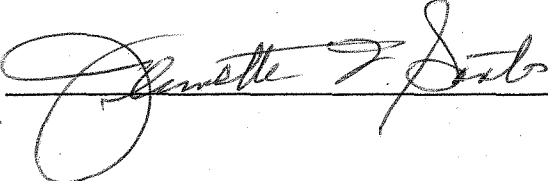
Date of final passage DEC 18 2007

AUTHENTICATED BY:

JERRY SANDERS  
Executive Director of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
Secretary of The City of San Diego, California.

By , Deputy

Office of the Redevelopment Agency, San Diego, California.

Resolution Number R 04234