



REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04597

DATE OF FINAL PASSAGE JAN 24 2011

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO APPROVING THE THIRD
IMPLEMENTATION AGREEMENT BETWEEN THE
REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO
AND VIETNAM VETERANS OF SAN DIEGO, APPROVING
THE BASIC CONCEPTUAL DRAWINGS, AND AUTHORIZING
FUNDING FOR THE PROJECT.

WHEREAS, the Redevelopment Agency of the City of San Diego (Agency) is engaged in
the activities necessary to carry out and implement the Redevelopment Plan for the North Bay
Redevelopment Project Area (Project Area); and

WHEREAS, on September 2, 2003, the Agency, pursuant to Resolution No. R-03669,
approved a Disposition and Development Agreement (DDA) with Vietnam Veterans of San
Diego for the development of a multi-phase substance abuse residential treatment facility for
homeless veterans (Veterans Village); and

WHEREAS, on March 5, 2007, the Agency, pursuant to Resolution No. R-04112,
approved the First Implementation Agreement to the DDA; and

WHEREAS, on May 5, 2009, the Agency, pursuant to Resolution No. R-04399, approved
the Second Implementation Agreement to the DDA; and

WHEREAS, in order to carry out and implement the Redevelopment Plan for the Project
Area, the Agency proposes to enter into a Third Implementation Agreement with Vietnam
Veterans of San Diego for the construction of the Veterans Village Phase IV Project; and

WHEREAS, pursuant to the DDA the Developer has submitted to the Agency the Basic Concept Drawings pertaining to the construction of the Veterans Village Phase IV Project ; and

WHEREAS, the Developer proposes to construct 24 transitional beds for very low and low-income individuals as part of the construction of the Veterans Village Phase IV Project; and

WHEREAS, the Agency will use a combination of the 2010 Housing Set-Aside Tax Allocation Bond Proceeds and tax increment monies from the Project Area in an amount not to exceed \$1,118,012 to pay for a portion of the construction of the Veterans Village Phase IV Project; and

WHEREAS, the Developer has executed and submitted to the Agency and the City Council copies of the proposed Third Implementation Agreement in the form desired by the Developer; and

WHEREAS, on September 2, 2003, the Agency, pursuant to Resolution No. R-03672, certified that Mitigated Negative Declaration, LDR No. 3787, had been completed in compliance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) and later certified that a re-evaluation of environmental assessments and other environmental findings is not warranted pursuant to 24 CFR Part 58.47 a (1) through (3) of the NEPA guidelines; and

WHEREAS, no conditions are present that prompt any action identified in Part 58.47 b (1) through (3); and

WHEREAS, Agency has duly considered all terms and conditions of the proposed Third Implementation Agreement and believes that the conditions contained therein are in the best interests of the Project Area and the health, safety, morale and welfare of its residents, and in

accordance with the public purposes and provisions of applicable state and local law and requirements; and

WHEREAS, pursuant to Article II, section 1 of the Bylaws of the Agency, the City Attorney acts as General Counsel for the Agency; and

WHEREAS, effective on March 1, 2007, by Resolution Number R-04124, the Agency authorized an Agreement for Legal Services (Legal Services Agreement) with Kane, Ballmer & Berkman (Special Counsel) in which Special Counsel agrees to render legal services to the Agency under the direction of the City Attorney on an “as needed” basis; and

WHEREAS, the Agency approved the First Amendment to the Legal Services Agreement pursuant to Resolution Number R-04251 effective April 8, 2008; the Second Amendment to the Legal Services Agreement pursuant to Resolution Number R-04393 effective May 4, 2009; and the Third Amendment to the Legal Services Agreement pursuant to Resolution Number R-04483 effective March 5, 2010; and

WHEREAS, the City Attorney has determined that the City Attorney’s Office has insufficient personnel to handle the Third Implementation Agreement to the Disposition and Development Agreement with Vietnam Veterans of San Diego for the Veterans Village Phase IV Project and that the services of Special Counsel are therefore needed; and


WHEREAS, Special Counsel has drafted the Third Implementation Agreement and has approved the Third Implementation Agreement as to form and legality; and

WHEREAS, based on Special Counsel’s legal review and approval of such contract, the City Attorney, acting as General Counsel, has drafted this Resolution; NOW, THEREFORE,

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

1. The Agency recognizes that it has received and heard all oral and written objections to the proposed Third Implementation Agreement and to other matters pertaining to this transaction, and that all such oral and written objections are overruled.
2. That the Agency approves the Third Implementation Agreement.
3. That the Agency authorizes the expenditure of an amount not to exceed \$1,118,012 from the 2010 Housing Set-Aside Tax Allocation Bond Proceeds, contingent on certification by the City Comptroller that funds are available for this purpose in the City Treasury, solely and exclusively for the purposes of providing funds for the construction of the Veterans Village Phase IV Project.
4. That the Agency approves the Basic Concept Drawings.
5. That the Executive Director of the Agency, or designee, is authorized to execute the Third Implementation Agreement, and all related documents, for and on behalf of the Agency, and to administer the Agency's obligations, responsibilities, and duties to be performed under that agreement, a copy of which, when executed, shall be placed on file in the Office of the Secretary of the Agency as Document No. D- 04597.

APPROVED: Jan I. Goldsmith, General Counsel

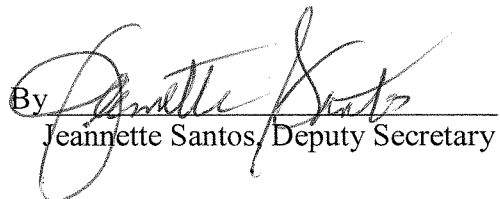
By 
Elisa A. Cusato
Deputy General Counsel

EAC:nja
11/18/10
Or.Dept:Redev.Agency
RA-2011-53

PL#2010-00749
Comp. R-2011-533

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at this meeting of JAN 11 2011.

REDEVELOPMENT AGENCY

By 
Jeannette Santos, Deputy Secretary

Approved: 1-24-11
(date)


JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000003768

DEPT.
NO.:

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: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original 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: \$1,118,012.00

Vendor: Veterans Village of San Diego

Purpose: e1472 - 65 year, zero percent Forgivable Residual Receipts Loan for Phase IV construction and improvements to the Veterans Village of San Diego. Phase IV is a 12,772 sf building that includes a classroom and 24 transitional beds for returning veterans.

Date: December 1, 2010

By: Francisco J Lopez
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	200635	975400104000	975400104101	OTHR-15-NS	512025	2275	2275400011		\$1,118,012.00
TOTAL AMOUNT									\$1,118,012.00

FUND OVERRIDE ☐

CC 3000003768

Passed by the Redevelopment Agency of The City of San Diego on JAN 11 2011, by the following vote:

Agency Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<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"/>
Todd Gloria	<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"/>
Carl DeMaio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 24 2011

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-

04597