

RESOLUTION NUMBER R-287280

ADOPTED ON MAY 7, 1996

WHEREAS, on October 10, 1994, the Council of The City of San Diego (the "City Council") adopted Resolution No. R-284760 which authorized the execution of a "Reimbursement Agreement" with the Japanese Friendship Garden Society ("JFGS"), a copy of which is on file with the City Clerk as Document No. RR-284760; and

WHEREAS, Resolution No. R-284760 also authorized the expenditure of not more than \$1,824,700 from CIP No. 21-834.0 Balboa Park and Mission Bay Park Capital Improvement Program ("Program"), from various sources, for the Japanese Friendship Garden Reimbursement Project ("Project"), contingent upon the City Council's appropriation of funds from future sources; and

WHEREAS, the authorization referenced above included the amount of \$578,800 from Program Phase IB Certificates of Participation proceeds, leaving an authorization of \$1,245,900 to come from Program Phase IC proceeds.

WHEREAS, the Reimbursement Agreement only requires the City to reimburse JFGS for expenditures JFGS incurs prior to the availability of funds to the City for the Project, but such reimbursements shall not exceed amounts allocated to the Project as approved by the City Council, and the City Council is free to reassess the priority of projects in the Program; and

WHEREAS, on April 17, 1996, the Natural Resources & Culture ("NR&C") Committee of the City Council held a hearing to consider whether the Project should continue to be on the list of approved projects for Phase IC of the Program; and whether the Museum of

Photographic Arts Request for Agreement should be placed on the list of approved projects for Phase IC of the Program; and

WHEREAS, the City Council has reassessed the priority of projects within CIP No. 21-834.0; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the previous authorization of an expenditure not to exceed \$1,824,700 from CIP No. 21-834.0 for the Project, as set forth in Resolution No. R-284760, is hereby rescinded. The expenditure of an amount not to exceed \$578,800 from CIP No. 21-834.0 is hereby authorized for the Project, from Program Phase IB proceeds only, subject to the terms and conditions of the Reimbursement Agreement.

BE IT FURTHER RESOLVED, that the Project is hereby deleted from the list of approved Program Phase IC Projects and placed on the Program Phase IC Underfunded or Unfunded Priority Projects.

BE IT FURTHER RESOLVED, that the Museum of Photographic Arts Request for Agreement is hereby removed from the Program Phase IC Underfunded or Unfunded Priority Projects and placed on the list of approved Program Phase IC Projects in an amount not to exceed \$1,000,000.

BE IT FURTHER RESOLVED, that an additional amount not to exceed \$245,900 is added to the approved Starlight Bowl Reimbursement Program Phase IC Project.

BE IT FURTHER RESOLVED, that the NR&C Committee is hereby directed to hold a discussion on the design plans, design decision-making process, and design controversy regarding the Project.

BE IT FURTHER RESOLVED, that, pending the results of the NR&C Committee discussion referenced above, the Project is given

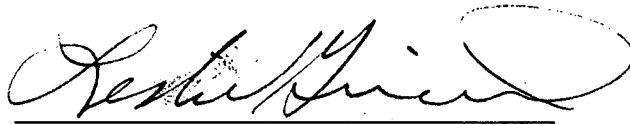
first priority rights to Program Phase IC proceeds in excess of the currently programmed level, as set forth in City Manager's memorandum to the Mayor and City Council, dated April 12, 1996, regarding Requests for Funding from the Balboa Park and Mission Bay Park Capital Improvements Program - Phase IC, in an amount not to exceed \$1,245,900.

BE IT FURTHER RESOLVED, that the San Diego Civic Light Opera Association Program Phase IC Underfunded or Unfunded Priority Project is given second priority rights to Program Phase IC proceeds in excess of the currently programmed level, as set forth in City Manager's memorandum to the Mayor and City Council, dated April 12, 1996, regarding Requests for Funding from the Balboa Park and Mission Bay Park Capital Improvements Program - Phase IC, in an amount not to exceed \$380,000.

BE IT FURTHER RESOLVED, that the City Council declares its intent to reimburse project expenditures from proceeds of Certificates of Participation to be issued by the City for the purposes of funding Program Phase IC Projects as previously approved in Resolution No. R-287105, adopted April 1, 1996, and as modified by this Resolution or as modified by further City Council action.

APPROVED: JOHN W. WITT, City Attorney

By



Leslie J. Girard
Chief Deputy City Attorney

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