

(R-97-864)

RESOLUTION NUMBER R- 288399

ADOPTED ON MAR 04 1997

WHEREAS, on May 5, 1992, the Council of The City of San Diego (the "Council") adopted the City Heights Redevelopment Plan pursuant to the California Community Redevelopment Law (codified as California Health and Safety Code section 33000 et seq.) for the purposes of eliminating blight and stimulating economic development in the City Heights community; and

WHEREAS, on October 31, 1995, the Council approved in concept the City Heights Urban Village Business Plan which contemplated a phased mixed use project to be developed in the City Heights Urban Village (the "Village") encompassing approximately nine (9) blocks within the City Heights Redevelopment Project area; and

WHEREAS, on April 2, 1996, the San Diego Community Foundation (the "Foundation"), pursuant to a grant to the Foundation from Mr. and Mrs. Sol Price, granted to the City five million dollars (\$5,000,000) for the purposes of developing a community center and park (including swim center), and a new library within the Village area (the "Project"), upon certain terms and conditions set out in the Design, Development and Construction Agreement (the "Agreement" ) entered into by the City, Foundation, and Citylink Investment Corporation ("CIC"), and on file in the office of the City Clerk as Document No. RR-287136; and

WHEREAS, the Agreement provided for a Guaranteed Maximum Price ("GMP") of six million sixty-four thousand five hundred eighty-seven dollars (\$6,064,587) which was the price to

be paid to CIC, as project developer, for all hard construction costs, reimbursable costs, and CIC's fixed fee for phases I and II of the Agreement; and

WHEREAS, following execution of the Agreement, CIC held a series of meetings to receive input on the Project from the City Heights community and City staff, resulting in redesign and reprogramming of the Project, which has necessitated raising the GMP; and

WHEREAS, as part of the Project, City staff has been negotiating a lease and service agreement with Neighborhood House Association, in which Neighborhood House Association would have the use of a new five thousand one hundred (5,100) square foot "build to suit" facility in which to operate a Head Start Program; and

WHEREAS, the Foundation has received an additional two hundred fifty thousand (\$250,000) from a private donation to be added to its current five million dollar (\$5,000,000) grant for the Project; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That it hereby approves increasing the GMP in the Design, Development and Construction Agreement to six million three hundred fifty-eight thousand five hundred eighty-seven dollars (\$6,358,587), with five million two hundred fifty thousand dollars (\$5,250,000) of that amount coming from the San Diego Community Foundation grant, and one million one hundred ten thousand five hundred eighty-seven dollars (\$1,110,587) representing the City's portion of the GMP.

2. That it hereby authorizes the City Manager to expend up to one million one hundred ten thousand five hundred eighty-seven dollars (\$1,110,587) of the City's share of the GMP at this time, pursuant to the terms and conditions of the Agreement and any amendments thereto.

3. That it hereby authorizes the City Manager to execute, for and on behalf of the City, the Amendment to Design, Development and Construction Agreement, with the Foundation and the Citylink Investment Corporation, to reflect an increase in the GMP from six million sixty-four thousand five hundred eighty-seven dollars (\$6,064,587) to six million three hundred fifty-eight thousand five hundred eighty-seven dollars (\$6,358,587), and the increase in the Foundation grant from five million dollars (\$5,000,000) to five million two hundred fifty thousand dollars (\$5,250,000), according to the terms and conditions of the Amendment on file in the office of the City Clerk as Document No. RR- 288399.

4. That the City Manager is hereby authorized to amend the Design, Development and Construction Agreement in order to increase the GMP by an amount not to exceed seven hundred thirty-seven thousand dollars (\$737,000), bringing the total GMP to seven million ninety-five thousand five hundred eighty-seven dollars (\$7,095,587), and expend the additional monies upon receiving the funds and the City Auditor and Comptroller can furnish a certificate demonstrating that the funds are on deposit in the City Treasury.

5. That it hereby approves an amendment to the Capital Improvement Program budget for the City Heights Urban Village Library/Park Project, CIP 39-219.0, to increase the budget amount by seven hundred eighty-one thousand dollars (\$781,000) bringing the total to nine million three hundred forty thousand dollars (\$9,340,000).

6. That it hereby authorizes the City Manager to negotiate an agreement with Neighborhood House Association for use of a "build to suit" five thousand one hundred (5,100) square foot facility for operation of a Head Start Program upon the following terms and conditions:

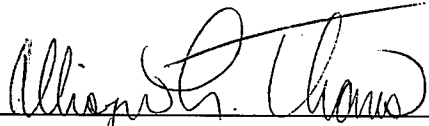
a. That Neighborhood House Association pay the City three hundred thousand dollars (\$300,000) to pay for furniture, fixtures, and equipment ("FF & E") for the new facility.

b. That the agreement run for a term of ten (10) years with a monthly rental of no less than two thousand dollars (\$2,000) a month.

6. That it hereby accepts the three hundred thousand dollars (\$300,000) from Neighborhood House Association, as those funds become available, to pay for the FF & E on the new facility, with the monies being paid to the City on a reimbursable basis.

7. That it hereby authorizes the City Auditor to transfer forty-four thousand dollars (\$44,000) from Park and Recreation Department 443, to the Allocated Reserve.

APPROVED: CASEY GWINN, City Attorney

By   
Allisyn L. Thomas  
Deputy City Attorney

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02/24/97  
Or.Dept:Redev.  
Aud.Cert:9700821  
R-97-864  
Form=r-t.frm

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

**CERTIFICATE OF UNALLOTTED BALANCE**      AC 9700821

ORIGINATING DEPT. NO.: 042

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 \$ 781,000.00 Fund 18547

Purpose Authorizing the amendment to increase the Capital Improvement budget for the City Heights Urban Village Library/Park Project to \$9,340,000.00.

Date February 24, 1997

By: Carole O'Hanlon

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	18547			9544					\$781,000.00
TOTAL AMOUNT										\$781,000.00

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 \$ 1,110,587.00

Vendor CityLink Investment Corporation

Purpose Authorizing the expenditure of funds for the Amendment to the Agreement with CityLink for the design, development and construction of the City Heights Urban Village Library/Park Project.

Date February 24, 1997

By: Carole O'Hanlon

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
2	0	18531	4082	8241	4279	392190				\$266,000.00
3	0	18548			9544					133,847.00
4	0	18547	18547		4279	392190				666,740.00
5	0	10365	10365	1444	4279	144435				44,000.00
TOTAL AMOUNT										\$1,110,587.00

FUND OVERRIDE