

(R-2001-1133)

RESOLUTION NUMBER 294567

ADOPTED ON FEB 20 2001

WHEREAS, on November 3, 1998, the electorate of the City of San Diego (the "City") approved Ordinance No. O-18613 (the "Ordinance") which authorized the City and the Redevelopment Agency of The City of San Diego (the "Agency") to enter into a Memorandum of Understanding Concerning a Ballpark District, Construction of a Baseball Park, and a Redevelopment Project (the "MOU"), within the Centre City East (East Village) Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project; and

WHEREAS, the Ordinance provided that it was the intent of the electorate that the Ordinance and the MOU constitute the legislative acts establishing policy for the City on those matters, and provided for the ways and means for the implementation of that policy by such administrative and non-legislative acts as may be necessary and appropriate to carry out the purpose and intent of the Ordinance; and

WHEREAS, the MOU has been executed by all parties thereto; and

WHEREAS, the City and Agency have certified the Final Subsequent Environmental Impact Report (the "FSEIR") pursuant to the California Environmental Quality Act and adopted Findings of Fact and Statement of Overriding Considerations in connection with that certification; and

WHEREAS, it is now fitting to consider such actions as may be necessary and appropriate to implement the purpose and intent of the Ordinance and MOU, consistent with both

the City's and Agency's obligations under state law, and the discretion lawfully vested in the City Council acting on behalf of the City and Agency; and

WHEREAS, on December 14, 1999, by Resolution No. R-292615 the Council of The City of San Diego, authorized the City Manager to execute, for and on behalf of the City, a phase funded Design and Construction Management Agreement ("Agreement") with Sverdrup Civil, Inc., for the East Village Redevelopment Infrastructure Project (Project), under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR-292615; and

WHEREAS, the Council has to date authorized expenditures of \$6,390,000 for Phase 1 of the contract, \$3,800,000 for Phase 2 of the contract, and \$700,000 for Phase 3; and

WHEREAS, the improvements have progressed to the point of installing the deep utility work in the public right-of-way, while continuing to provide public access to the new development in the area of the Project, including the newly expanded Convention Center; and

WHEREAS, it is now appropriate and necessary to implement Phase 4A of the project, which will include the installation of water and storm drain mains, rough grading for Park Boulevard and Frontage Road, and other design and construction work by both Sverdrup and City forces, and to provide funds therefor, NOW, THEREFORE,

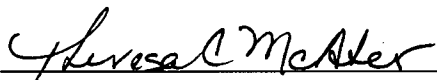
BE IT RESOLVED, by the Council of The City of San Diego, that the appropriation and transfer of an amount not to exceed \$6,535,000 is hereby authorized, from Capital Outlay Fund 30245 to Ballpark Infrastructure Fund 10291, to fund continued expenses associated with public infrastructure improvement for the Project, provided that the City Auditor and Comptroller first

furnishes a certificate demonstrating that funds are or will be available in the City Treasury, solely and exclusively for the purpose of providing funds for the above Project.

BE IT FURTHER RESOLVED, that the appropriation and expenditure of an amount not to exceed \$6,535,000 from Ballpark Infrastructure Fund 10291, is hereby authorized, to fund continued expenses associated with public infrastructure improvement for the Project, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that funds are or will be available in the City Treasury, solely and exclusively for the purpose of providing funds for the above Project.

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, a Third Amendment to the Agreement with Sverdrup Civil, to continue design and construction management services for the public infrastructure improvements in the East Village Redevelopment area through June 2001, in the amount of \$5,545,000, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that funds are or will be available in the City Treasury, solely and exclusively for the purpose of providing funds for the above Project.

APPROVED: CASEY GWINN, City Attorney

By 
Theresa C. McAteer
Deputy City Attorney

Third Amendment to the Agreement
between the City of San Diego and
Sverdrup Civil is on file at the
City Clerk's office as Document
Number RR-294567

TCM:lb
02/06/01
Aud.Cert:
Or.Dept:E&CP
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