

RESOLUTION NUMBER R- 305157

DATE OF FINAL PASSAGE JUL 31 2009

A RESOLUTION OF THE CITY OF SAN DIEGO  
AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER  
INTO AN EXCLUSIVE NEGOTIATION AGREEMENT WITH  
BROWN FIELD INTERNATIONAL BUSINESS PARK LLC,  
dba DPC BROWN FIELD, FOR A PROPOSED  
DEVELOPMENT AT BROWN FIELD AIRPORT; AND TO  
AUTHORIZE THE ACCEPTANCE AND EXPENDITURE OF  
NON-REFUNDABLE SUMS FROM DPC BROWN FIELD  
WHICH WILL BE USED TO PAY FOR EXPENSES  
INCURRED BY THE CITY OF SAN DIEGO DURING THE  
TERM OF THE EXCLUSIVE NEGOTIATIONS AGREEMENT.

WHEREAS, in December 2006, the City of San Diego's [City]Airports Division issued a Request for Qualifications [RFQ] soliciting qualifications to develop and operate a Fixed Base Operator or other aviation-related business at Brown Field Airport; and

WHEREAS, of the five respondents to the RFQ, two were selected to move forward to the next phase of responding to a Request for Proposals [RFP]; and

WHEREAS, an 11-member selection committee evaluated the two RFP responses and recommended that City enter into exclusive negotiations with Distinctive Projects Company, Inc. [Brown Field International Business Park, LLC, dba DPC Brown Field, hereafter referred to as "DPC Brown Field"]; and

WHEREAS, DPC Brown Field and City staff have arrived at terms, as set forth in the proposed Exclusive Negotiation Agreement [ENA], which will be used to guide DPC Brown Field during its further negotiations with City regarding the proposed development project at Brown Field; and

WHEREAS, in order to offset City staff costs, consultant costs and other administrative costs incurred by City in negotiating, preparing and processing the proposed development project at Brown Field, and pursuant to the terms of the proposed ENA, DPC Brown Field agrees to deposit a non-refundable sum of \$100,000 (an additional \$50,000 is required, and provided for within the ENA for any extension of the ENA), into the Airport Enterprise Fund, Fund No. 41100; and

WHEREAS, on July 15, 2009, the Land Use & Housing Committee [LU&H] recommended forwarding the proposed ENA to the City Council; NOW, THEREFORE,

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

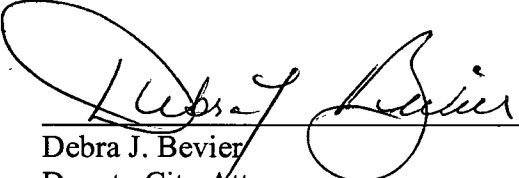
1. That the Mayor, or his designee, is authorized to execute and take all actions necessary to administer the Exclusive Negotiation Agreement with Brown Field International Business Park, LLC, dba DPC Brown Field, which concerns a proposed development project at Brown Field Airport, under the terms and conditions set forth in the Exclusive Negotiation Agreement, on file in the Office of the City Clerk as Document No. RR-305157.

2. That the Mayor, or his designee, is authorized to accept from DPC Brown Field the sum of \$100,000 (an additional \$50,000 is required, and provided for within the ENA for any extension of the ENA), and deposit said sum(s) into the Airport Enterprise Fund, Fund No. 41100, to be used to offset City staff costs, consultant costs and other administrative costs incurred by City in negotiating, preparing and processing the proposed development project for Brown Field.

3. That the Comptroller is authorized to appropriate and expend \$100,000 (and any further deposit(s) contemplated in the ENA), to offset City staff costs, consultant costs and other administrative costs incurred by City in negotiating, preparing and processing the proposed

development project for Brown Field, from the Airport Enterprise Fund, Fund No. 41100,  
contingent on the funds being received from DPC Brown Field.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Debra J. Bevier  
Deputy City Attorney

DJB:mm  
07/08/09  
Or.Dept:READ  
R-2010-42  
MMS#9845

I hereby certify that the foregoing Resolution was passed by the Council of the City of San  
Diego, at this meeting of JUL 28 2009.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 7-31-09  
(date)

  
JERRY SANDERS, Mayor

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

\_\_\_\_\_  
JERRY SANDERS, Mayor