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10/12

RESOLUTION NUMBER R- 305312

DATE OF FINAL PASSAGE OCT 27 2009

A RESOLUTION APPROVING ALL ACTIONS NECESSARY TO AUTHORIZE THE EXECUTION OF AN EXCLUSIVE NEGOTIATION AGREEMENT [ENA] BETWEEN THE CITY OF SAN DIEGO AND GEDI CALIFORNIA, INC. FOR THE PROPOSED DEVELOPMENT OF A NEW CITY HALL AND POSSIBLE ANCILLARY PRIVATE USES; AUTHORIZING THE MAYOR, OR DESIGNEE, TO SUBMIT A REQUEST TO THE CITY OF SAN DIEGO REDEVELOPMENT AGENCY TO ENTER INTO CONSULTANT CONTRACTS FOR THE CITY'S ENA OBLIGATIONS FOR THE EXPENDITURE OF UP TO \$705,000; AUTHORIZING THE COUNCIL TO CONSIDER THE OPTION OF CREATING A CITIZENS' OVERSIGHT COMMITTEE TO PROVIDE INPUT DURING OR AT THE CONCLUSION OF THE NEGOTIATION PROCESS.

WHEREAS, during the past twenty years, numerous studies have been commissioned by the City to assess the costs to renovate the existing Civic Center structures to identify possible alternative sites on which to construct a new City Hall, to evaluate the continued economic viability of operating the Concourse as a meeting facility, to forecast continued costs of leasing and to study the feasibility of redeveloping portions of the Civic Center site; and

WHEREAS, in June 2007, the City sought the assistance of the Centre City Development Corporation [Corporation] in identifying and evaluating the City's viable alternatives to minimize occupancy costs for its more than 3,000 downtown employees. Approximately 1,060 of the City's downtown employees work within City-owned facilities located in the Civic Center Complex [Civic Center], the remaining downtown City employees utilize leased space; and

WHEREAS, in July 2007, the Corporation issued a nationwide Request for Qualifications [RFQ] seeking responses from highly qualified development teams interested in the possibility of partnering with the City to develop a new City Hall; and

WHEREAS, in October 2007, the Corporation received eight responses to the RFQ and formed a volunteer selection committee composed of members with diverse disciplines to review the proposals and select the best-qualified teams to process to the next phase of the selection process; and

WHEREAS, Statements of Qualifications were submitted by teams lead by eight development firms; and

WHEREAS, the committee considered and scored the responses based on the evaluation criteria outlined in the RFQ and the teams receiving the top four scores advanced to the next phase of selection and were invited to interview with the selection committee; and

WHEREAS, in May 2008, a Request for Proposals [RFP] was issued to two finalist teams; and

WHEREAS, in July 2008, the two finalist development teams, Hines and GEDI California, Inc. [GED], submitted response proposals to the RFP; and

WHEREAS, on August 15, 2008, the Hines team withdrew from the developer selection process; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego [Council], that the Council hereby directs that Centre City Development Corporation be involved in all negotiations for an Exclusive Negotiation Agreement [ENA]; and

BE IT FURTHER RESOLVED, that the Council approves all actions necessary to authorize the execution of an Exclusive Negotiation Agreement [ENA] between the City of San Diego and GEDI California, Inc., a wholly-owned entity of Gerding Edlen Development Corporation, on file in the Office of the City Clerk as document number RR-305312, for the proposed development of a new City Hall and possible ancillary private uses with the objective of reaching the most cost-effective short-term and long-term solution while providing an acceptable level of risk to the City.

BE IT FURTHER RESOLVED, that the Mayor, or designee, is authorized to take any necessary and appropriate actions on behalf of the City to implement the ENA.

BE IT FURTHER RESOLVED, that the Mayor, or designee, is authorized to submit a request to the City of San Diego Redevelopment Agency [Agency] to enter into consultant contracts for the City's ENA obligations for the expenditure of an amount not to exceed \$705,000 from Agency land disposition proceeds derived from the Centre City Redevelopment Project Area as a source of funds for the City's anticipated costs incurred during negotiations.

BE IT FURTHER RESOLVED, that monthly written status updates will be provided to the Council and the Independent Budget Analyst will be allowed unfettered access to data.

BE IT FURTHER RESOLVED, that the Council will consider the option of creating a Citizens' Oversight Committee to provide input during or at the conclusion of the negotiation

process to review the terms of any future agreement between the City and GED as an approach to include transparency in the event a public vote is not required.

BE IT FURTHER RESOLVED, that the Citizen's Oversight Committee is formalized.

BE IT FURTHER RESOLVED, that the requirement for confidentiality is amended to allow the Council to disseminate information as appropriate.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:pev
08/14/09
10/13/09 REV.
Aud.Cert: CC3000002614
Or.Dept:CCDC
R-2010-104
MMS #9763

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 12 2009.

ELIZABETH S. MALAND
City Clerk

By Sara Bhandari
Deputy City Clerk

Approved: 10-27-09
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

CC CC3000002614

ORIGINATING DEPT. NO.: 9980

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: Francisco 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
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: _____ \$705,000.00

Vendor: City of San Diego

Purpose: Authorized the expenditure of \$705,000 of Agency funds for costs associated with the City of San Diego's obligations associated with the ENA between the City of San Diego and GEDI California for the Civic Center Project.

Date: September 3, 2009 By: Francisco J. Lopez

Francisco 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
1	400424	920519100000	920519100101	oftr-0000006002-ns	512059	2220	2220500011		\$705,000.00
TOTAL AMOUNT									\$705,000.00

FUND OVERRIDE

CC CC3000002614