

RESOLUTION NUMBER R- 307558

DATE OF FINAL PASSAGE JUL 12 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO THE PLAZA DE PANAMA IMPROVEMENT AGREEMENT WITH THE PLAZA DE PANAMA COMMITTEE, APPROVING A FINANCING PLAN FOR THE PARKING STRUCTURE INCLUDED IN TO THE PLAZA DE PANAMA IMPROVEMENT AGREEMENT AND OTHER MATTERS RELATED THERETO.

WHEREAS, the City of San Diego (City) is preparing for the centennial of the 1915 Panama-California International Exposition (Centennial) in Balboa Park; and

WHEREAS, the Plaza de Panama Committee (Committee) is a nonprofit public benefit corporation established by Dr. Irwin Jacobs to raise charitable contributions and construct certain improvements to Balboa Park in preparation for the Centennial celebration; and

WHEREAS, the City and the Committee desire to restore the Plaza de Panama in Balboa Park to dedicated pedestrian space (Plaza de Panama Project); and

WHEREAS, the total cost of the Plaza de Panama Project, including a new bridge and roads to divert traffic from the Plaza de Panama and a new parking structure with a rooftop park, is estimated to be approximately \$40 million; and

WHEREAS, the City does not have sufficient funds available to accomplish the Plaza de Panama Project without substantial private contributions and assistance; and

WHEREAS, the Committee and the City desire to enter into the Plaza de Panama Improvement Agreement (Agreement) wherein the Committee will donate most of the needed

improvements, with the City contributing funds towards the construction of a parking structure located south of the Spreckels Organ Pavilion (Parking Structure), using revenue generated by the Parking Structure; and

WHEREAS, because the Committee is donating all of the Plaza de Panama Project improvements except for the Parking Structure, seeking competitive bids or proposals for the design and construction of the improvements, except for the Parking Structure, would not be advantageous to the City; and

WHEREAS, the proposed Plan of Finance for the Parking Structure calls for the City to issue tax-exempt bonds (Bonds) to finance the cost of constructing the Parking Structure; and

WHEREAS, the Parking Structure is projected to generate Parking Revenue sufficient to pay debt service on the Bonds and for the operating expenses of the Parking Structure and operation of the related tram; and

WHEREAS, the Bonds would be issued as lease-revenue bonds of the Public Facilities Financing Authority (Authority); and

WHEREAS, the Parking Structure would become the leased property upon completion of construction, which is expected to begin in December 2012 and finish by January 2014; and

WHEREAS, certain excess Parking Revenue will be set aside in a Safety Fund to ensure there is sufficient Parking Revenue available to pay debt service on the Bonds and the operating expenses of the Parking Structure and tram system in the event of volatility in Parking Revenue receipts; and

WHEREAS, the issuance of the Bonds will require the assistance of an outside law firm to serve as Bond and Disclosure Counsel for the Bonds and the City Attorney's Office recommends that the law firm of Stradling, Yocca, Carlson & Rauth be retained in that capacity; and

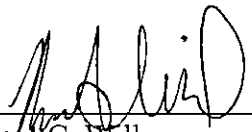
WHEREAS, the financing plan described herein is dependent upon additional approvals, including but not limited to approvals related to the environmental impact report for the Plaza de Panama Project, (including the Parking Structure) and approval of the legal documents for the Bonds; NOW, THEREFORE,

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

1. The statements set forth in the recitals to this Resolution are true and correct.
2. On behalf of the residents of the City of San Diego, the City Council graciously accepts this contribution from the Committee, without which the Plaza de Panama Project could never be accomplished.
3. The Mayor or his designee is authorized to enter into the Plaza de Panama Improvement Agreement substantially in the form presented at this meeting and on file with the City Clerk's Office as Document No. RR- **307558**
4. The Council hereby approves the financing plan set forth herein.
5. The City Attorney is authorized to retain the law firm of Stradling Yocca Carlson & Rauth to serve as bond counsel and disclosure counsel for the Bonds for an amount not to exceed \$60,000.

- 6. Nothing in this Resolution shall constitute an approval of a project, a commitment to proceed with a project, or a commitment or authorization to issue bonds for financing a project.

APPROVED: JAN I. GOLDSMITH, City Attorney

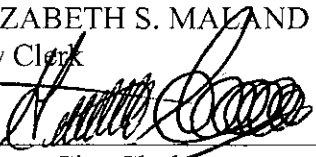
By 

 Brant C. Will
 Deputy City Attorney

BCW:jab
 6/25/2012
 Or.Dept: Debt Mgmt.
 R-2012-717
 Doc. No.: 392348_2

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 9 2012.

ELIZABETH S. MALAND
 City Clerk

By 

 Deputy City Clerk

Approved: 7-12-12
 (date)



 JERRY SANDERS, Mayor

Vetoed: _____
 (date)

 JERRY SANDERS, Mayor