

RESOLUTION NUMBER R- 308832DATE OF FINAL PASSAGE APR 03 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, ACTING IN ITS CAPACITY AS THE BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, APPROVING CERTAIN ACTIONS ASSOCIATED WITH THE RENOVATION OF PUBLIC SPACES AT THE LYCEUM THEATRE WITHIN THE HORTON PLAZA REDEVELOPMENT PROJECT AREA.

WHEREAS, from its formation in 1958 until its elimination on February 1, 2012, the Redevelopment Agency of the City of San Diego (Former RDA) administered the implementation of various redevelopment projects, programs, and activities within designated redevelopment project areas throughout the City of San Diego (City); and

WHEREAS, the Former RDA dissolved as of February 1, 2012, in accordance with a deadline for elimination of all redevelopment agencies throughout California set forth in Assembly Bill x1 26 (AB 26), as modified by the California Supreme Court in a final opinion issued on December 29, 2011, in litigation designated as Case No. S194861; and

WHEREAS, before the Former RDA's dissolution, the City Council adopted Resolution No. R-307238 effective January 12, 2012, designating the City to serve as the successor agency to the Former RDA (Successor Agency) pursuant to California Health and Safety Code (Code) section 34173(d)(1); and

WHEREAS, upon the Former RDA's dissolution on February 1, 2012, the Successor Agency became vested with all of the Former RDA's authority, rights, powers, duties, and obligations under the California Community Redevelopment Law (Redevelopment Law) and, by

operation of law, received all assets, properties, contracts, leases, books and records, buildings and equipment of the Former RDA; and

WHEREAS, the Successor Agency is winding down the Former RDA's affairs in accordance with AB 26, enacted on June 28, 2011, and Assembly Bill 1484 (AB 1484), enacted on June 27, 2012; and

WHEREAS, in 1985, the Former RDA and Horton Plaza Associates (HP Associates) executed a Lease Agreement (Lease Agreement) with respect to the Lyceum Theatre (Site) within the Horton Plaza Redevelopment Project Area; and

WHEREAS, among other things, the Lease Agreement required HP Associates to transfer a leasehold interest in the Site to the Former RDA for the operation and management of a theatre and obligated the Former RDA to pay approximately \$8 million toward the construction and equipment for a theatre at the Site; and

WHEREAS, in 1986, the Former RDA and the Horton Plaza Theatres Foundation (HPTF) entered into a Master Sublease Agreement (Sublease Agreement) under which all of the obligations of the Former RDA under the Lease Agreement were transferred to HPTF, with the exception that the Former RDA retained the obligation to replace fixtures and equipment for a theatre at the Site that were originally installed by the Former RDA and are in need of replacement from time to time due to ordinary wear and tear or obsolescence; and

WHEREAS, the Successor Agency will implement an enforceable obligation related to the replacement of fixtures and equipment at the Site, which will result in the renovation of the Lyceum Theatre (Project); and

WHEREAS, the Project includes: the renovation of two lobbies and four restrooms, the replacement of mechanical and electrical systems, lighting, the back stage monitoring system and

installation of new carpet, all of which are required to be replaced pursuant to the Sublease Agreement; and

WHEREAS, based on the current design of the Project, the total costs of construction and construction-support services related to the Project are estimated to be \$3,531,000; and

WHEREAS, the approval of the plans and specifications (included on a cd with Report No.CSD-14-03) for the Project is now necessary in order to allow for the Project to move forward; and

WHEREAS, the Successor Agency's expenditure of funds toward completion of the Project is contingent upon the Oversight Board and the State Department of Finance approving such expenditure in the applicable Recognized Obligation Payment Schedules and approving the necessary contracting process; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, acting in its capacity as the board of the Successor Agency, as follows:

1. The City's Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$3,531,000 (Maximum Funding Amount) for the Project from funds identified in Line Item 205 of the applicable Recognized Obligation Payment Schedules of the Successor Agency to provide funding for the construction and construction-support services related to the Project.
2. Civic San Diego (Civic SD) is authorized, on behalf of the Successor Agency, to advertise and receive bids for the construction of the Project.
3. The Mayor or designee is authorized to award the construction contract for the Project to the lowest responsible bidder, provided responsive bids from a responsible contractor

allow the Project to be delivered within the Maximum Funding Amount, and all other requirements are met.

4. The Mayor or designee is authorized to execute the construction contract for the Project with the lowest responsible bidder for construction of the Project.

5. CivicSD is authorized, on behalf of the Successor Agency, to administer the construction contract for the Project.


6. CivicSD is authorized, on behalf of the Successor Agency, to modify the existing contract with Westlake Reed Leskosky to amend the scope of services to include construction administration support services for the Project, subject to the Maximum Funding Amount.

7. CivicSD is authorized, on behalf of the Successor Agency, to select (through a qualifications-based selection process), negotiate and enter into an agreement with a consultant for construction management and inspection services for the Project, subject to the Maximum Funding Amount.

8. The plans and specifications for the Project, on file with the City Clerk as Document No. RR- 308832 are approved.

9. The Mayor or designee is authorized to take all actions necessary and appropriate to carry out and implement the purposes set forth in this Resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Michael Reid
Deputy City Attorney

MTR:nja
03/14/14
Or.Dept: Civic San Diego
Doc. No. 729843

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 18 2014

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4/2/14
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on MAR 18 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 2 (Vacant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 03 2014.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Karen Holt, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 308332