

ORDINANCE NUMBER O- 20490 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 01 2015

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE OPERATING AND MANAGEMENT AGREEMENT WITH DOWNTOWN SAN DIEGO PARTNERSHIP, INC. AND CERTAIN RELATED ACTIONS.

WHEREAS, the Property and Business Improvement District Law of 1994, California Streets and Highways Code sections 36600-36671 (PBID Law), authorizes cities and counties to establish and renew property and business improvement districts for the purposes of promoting economic revitalization and physical maintenance of certain improvements; and

WHEREAS, on February 22, 2000, the City Council adopted Resolution No. R-292797, establishing the San Diego Downtown Property and Business Improvement District (District), and on June 14, 2005, adopted Resolution No. R-300533, renewing the District for a ten-year term to expire on June 30, 2015; and

WHEREAS, in June 2000 and April 2005, the City entered into agreements with the Downtown San Diego Partnership, Inc., a nonprofit corporation (Partnership), whereby the Partnership agreed to operate and manage the District for a period of five years, ending on June 30, 2005, then for an additional 10 years, ending on June 30, 2015; and

WHEREAS, on June 1, 2015, the City Council adopted Ordinance No. O- 20490, renewing the District for a ten-year term to expire on June 30, 2025; and

WHEREAS, the renewed District is subject to the Management District Plan (District Plan), a copy of which is on file with the City Clerk as Document No. RR - 309520 and incorporated herein by reference; and

WHEREAS, California Streets and Highways Code section 36651 states that, if the District Plan designates an owners' association, the City shall contract with the designated nonprofit corporation to provide District services; and

WHEREAS, the District Plan designates the Partnership as the Owners' Association and states that the Partnership shall provide the improvements, maintenance, and activities described in District Plan; and

WHEREAS, due to the unique characteristics of the Partnership and its prior experience in managing previous iterations of the Downtown PBID, as well as the identification of the Partnership as the Owners' Association in the District Plan, a sole source contract procurement process is appropriate in this situation; and

WHEREAS, in accordance with San Diego Municipal Code section 22.3016, City Management has determined that strict compliance with a competitive process would be unavailing or would not produce an advantage for the City, and soliciting bids or proposals would therefore be undesirable, impractical, or impossible; and

WHEREAS, the City and Partnership have negotiated the terms of the Operating and Management Agreement (Agreement), included as Attachment 1 to Report to Council No. 15-049, memorializing the terms of service in accordance with the District Plan and PBID Law; and

WHEREAS, pursuant to the terms of the Agreement, all reimbursement using assessment funding offered to Partnership shall be payable for ten years commencing on the renewal date of the District (i.e. July 1, 2015), subject to and in accordance with the City's annual budget process as approved annually; NOW, THEREFORE,

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

1. The City Council approves the Agreement.

2. The Mayor, or designee, is authorized and directed to execute the Agreement on the City's behalf and to take any and all actions necessary to implement the Agreement. A fully-executed copy of the Agreement shall be placed on file in the Office of the City Clerk as Document No. ~~00~~ 20490.

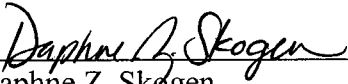
3. The Chief Financial Officer is authorized to appropriate and expend Downtown PBID operating funds, as required per the terms of the Agreement, contingent upon approval by the Council of the PBID annual budget, which is subject to the approval of the City's annual appropriation ordinance, and further contingent upon the City Comptroller certifying that the funds necessary for expenditure are available.

4. The Mayor, or designee, is authorized to preclude the expenditure of all or any portion of District assessments during the pendency of any litigation that has been timely initiated to challenge the renewal of the District.

5. A full reading of this ordinance is dispensed with prior to its passage, a written copy having been made available to the Council and the public prior to the day of its passage.

6. This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

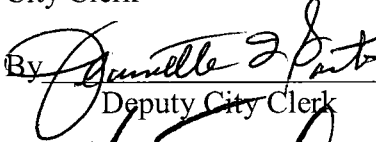
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Daphne Z. Skogen
Deputy City Attorney

DZS:dkr
April 27, 2015
Or.Dept:Econ. Dev.
Doc. No.: 1004446

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 01 2015.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6/1/2015
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUN 01 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherrri Lightner	<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"/>
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"/>
Chris Cate	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 01 2015

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 *Janette J. Santos*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 12 2015, and on JUN 01 2015

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By *Janette J. Santos*, Deputy

Office of the City Clerk, San Diego, California

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