

RESOLUTION NUMBER R- 310763

DATE OF FINAL PASSAGE NOV 17 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A COOPERATION AGREEMENT WITH THE PLAZA DE PANAMA COMMITTEE FOR THE BALBOA PARK PLAZA DE PANAMA PROJECT, AUTHORIZING THE MAYOR TO AWARD A CONSTRUCTION CONTRACT; AND TAKING RELATED ACTIONS.

WHEREAS, the Plaza de Panama Committee (Committee) is a non-profit public benefit corporation established by Dr. Irwin Jacobs to raise charitable contributions to help offset the costs to design and construct certain improvements at Balboa Park; and

WHEREAS, the City of San Diego (City) and the Committee desire to restore the pedestrian and park uses to the core of the Central Mesa and alleviate pedestrian and vehicle conflicts, while providing additional parking (Project); and

WHEREAS, on July 9, 2012, the Council of the City of San Diego approved amendments to the Balboa Park Master Plan, the Central Mesa Precise Plan, and Site Development Permit No. 837848, to implement the Project; and

WHEREAS, due to litigation the Project was delayed; and

WHEREAS, the costs associated with the Project have gone up substantially because of the delay; and

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

WHEREAS, the Committee and the City desire to enter into the Plaza de Panama Cooperation Agreement (Agreement), wherein the Committee and the City agree to work in a collaborative manner to ensure completion of the Project; and

WHEREAS, the Agreement defines the roles and responsibilities of each party, and details the Committee's agreement to endeavor to raise the funds necessary to cover their share of the construction costs for the Project; and

WHEREAS, the City will award, administer and oversee the construction contract for the Project; 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, for and on behalf of the City, a Cooperation Agreement (Agreement) with the Committee, in connection with the Project, under the terms and conditions set forth in the Agreement, on file in the Office of the City Clerk as Document No. RR **310763**, together with any reasonably necessary modifications or amendments thereto which do not increase Project scope or City costs and which the Mayor shall deem necessary from time to time in order to carry out the purpose and intent of this Project and Agreement.

2. That on behalf of the residents of the City of San Diego, the City Council graciously accepts all contributions to be made from the Committee and others for this Project.

3. That the Mayor, or his designee, is authorized to negotiate and execute one or more agreements, for and on behalf of the City, to accept private donations for the Project in a cumulative amount estimated to be \$30 million, and to deposit said funds in a special revenue fund.

4. That the Chief Financial Officer is authorized to increase the Capital Improvement Program (CIP) Budget in CIP No. L-17002, Balboa Park Plaza de Panama Project, and to appropriate and expend up to an additional \$48 million, of which up to \$1 million is from fund 400000, Capital Outlay-Sales Tax, up to \$8 million is from fund 400002, Capital Outlay-

Misc. Revenue, and up to \$39 million is from proceeds from the proposed bond issuance, for a total of \$49 million (which includes \$1 million previously approved by Council in R-310691) on City expenditures for the Project.

5. That the Chief Financial Officer is authorized to increase the Capital Improvement Program Budget in CIP No. L-17002, Balboa Park Plaza de Panama Project, and to appropriate and expend up to \$30 million from donations to the City from the Plaza de Panama Committee and others on City expenditures for the Project.

6. That the Mayor, or his designee, is authorized to award a construction contract in accordance with the San Diego Municipal Code, in an amount not to exceed \$75 million, for the Project, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasury.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Christina L. Rae
Christina L. Rae
Deputy City Attorney

CLR:cw
11/01/16
11/14/16 REV.
Or.Dept: Public Works/Engineering
CC No.: N/A
Doc. No.: 1382881

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 14 2016

ELIZABETH S. MALAND
City Clerk

By *Atty. Beach*
Deputy City Clerk

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Approved: 11/17/16
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on NOV 14 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr Lightner	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 17 2016

(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.

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

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 310763