

RESOLUTION NUMBER R- 311277

DATE OF FINAL PASSAGE AUG 04 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A REIMBURSEMENT AGREEMENT WITH MISSION TRAILS REGIONAL PARK FOUNDATION, INC. TO REIMBURSE THE CITY FOR CONSTRUCTION COSTS FOR THE EAST FORTUNA STAGING AREA BUILDING, AND RELATED ACTIONS.

WHEREAS, the City of San Diego and Mission Trails Regional Park Foundation, Inc., a non-profit public benefit corporation (Foundation) entered into that certain Master Agreement authorized by the San Diego City Council on July 30, 1991, pursuant to Resolution R-278444 (Master Agreement); and

WHEREAS, the Master Agreement governs the Foundation's role in the preservation, development and maintenance of Mission Trails Regional Park and establishes a process for the use of public funds allocated to the Foundation by the City; and

WHEREAS, on September 10, 2001, the Council adopted Ordinance O-18974, which authorized the execution of an agreement between the City and the Foundation regarding the appropriation and use of \$1,760,000 paid to the City for Mission Trails Regional Park by Sycamore Estates LLC; and

WHEREAS, pursuant to Ordinance O-18974, the City executed that certain Agreement Between Mission Trails Regional Park Foundation, Inc. and City of San Diego Governing The Appropriation and Use of Sycamore Estates Funds dated April 28, 2005 (Sycamore Estates Funds Agreement); and

WHEREAS, the Sycamore Estates Funds Agreement governs the appropriation and use of \$1,760,000 disbursed by the City to the Foundation and requires those funds be used solely for

acquisition, management, maintenance and capital improvements within Mission Trails Regional Park; and

WHEREAS, the Sycamore Estates Funds Agreement requires that \$1,500,000 be maintained in an interest bearing endowment fund (Endowment Fund) solely for acquisition, management, maintenance and capital improvements within Mission Trails Regional Park and that no more than five percent of the principal and interest balance of the Endowment Fund may be disbursed per fiscal year unless the Foundation is otherwise granted authority by the Council; and

WHEREAS, the Foundation desires to provide up to \$1,500,000 for construction of the East Fortuna Staging Area Building, CIP S-14016 (Project), within Mission Trails Regional Park; and

WHEREAS, the Project will include a space for staff offices, maintenance facilities, an information area, restrooms and a small kitchen; and

WHEREAS, the Foundation desires to disburse up to \$1,500,000 from the Endowment Fund for construction of the Project, which is in excess of five percent of the principal and interest balance of the Endowment Fund; and

WHEREAS, City staff and the Foundation have negotiated a proposed Reimbursement Agreement for Mission Trails Regional Park, East Fortuna Staging Area and Field Station Building (CIP S-14016) (Reimbursement Agreement) to provide for the Foundation's reimbursement of Project construction costs incurred by the City in an amount up to \$1,500,000; NOW, THEREFORE,


BE IT RESOLVED, by the City Council of the City of San Diego, that the Mayor, or his designee, is authorized and directed to execute that certain Reimbursement Agreement for Mission Trails Regional Park East Fortuna Staging Area and Field Station Building (CIP S-14016) on file in the Office of the City Clerk as Document No. RR-311277, (Reimbursement Agreement) with Mission Trails Regional Park Foundation, Inc., a California non-profit public benefit corporation (Foundation), for reimbursement of costs up to \$1,500,000 associated with the City's construction of the East Fortuna Staging Area Building, CIP S-14016 (Project).

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is further authorized to take all necessary actions to secure funding from the Foundation for reimbursement of construction costs of the Project.

BE IT FURTHER RESOLVED, that Foundation is authorized to disburse up to \$1,500,000 from the Foundation's Endowment Fund to reimburse the City for construction costs associated with the Project, under the terms and conditions in the Reimbursement Agreement.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to increase the Capital Improvement Program Budget in CIP S-14016, East Fortuna Staging Area Building, and to appropriate and expend up to \$1,500,000 from Fund 400258, Mission Trails Park, for construction costs associated with the Project, contingent upon the execution of the Reimbursement Agreement and the Chief Financial Officer furnishing a certificate certifying that the funds are, or will be on deposit, with the City Treasurer.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Heather M. Ferbert
Deputy City Attorney

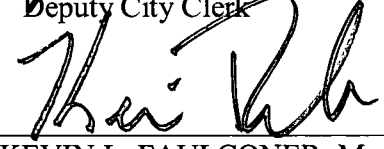
HMF:nja
07/18/17
Or.Dept: Park and Recreation
Doc. No.: 1542079

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 01 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 8/3/17
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on AUG 01 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 04 2017.

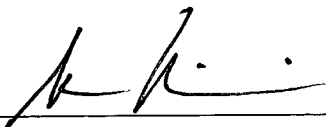
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

(Seal)

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

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

By , Deputy

Office of the City Clerk, San Diego, California

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