

#5501  
6/12/18

(R-2018-585)

RESOLUTION NUMBER R- 311808

DATE OF FINAL PASSAGE JUN 14 2018

A RESOLUTION OF THE CITY 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 THE EXPENDITURE OF FUNDS, AND AUTHORIZING CERTAIN RELATED ACTIONS AND AGREEMENTS, IN CONNECTION WITH THE PARK BOULEVARD AT-GRADE CROSSING PROJECT.

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 *California Redevelopment Assn. v. Matosantos*, 53 Cal.4th 231 (2011); and

WHEREAS, pursuant to Resolution R-307238 adopted by the City Council effective January 12, 2012, the City of San Diego, solely in its capacity as the designated successor agency to the Former RDA (Successor Agency), elected to serve as the successor agency to the Former RDA, and the City also elected to serve as the successor housing entity to the Former RDA in order to retain housing assets and assume housing responsibilities; and

WHEREAS, at the time of 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 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 intends to construct a vehicular crossing at the terminus of Park Boulevard and Tony Gwynn Drive, across BNSF Railway Company (BNSF) railroad tracks and San Diego Metropolitan Transit System (MTS) trolley tracks, to connect with Harbor Drive (Project); and

WHEREAS, Civic San Diego (CivicSD) administers the Project on behalf of the Successor Agency; and

WHEREAS, based on the current design of the Project, the total hard and soft costs for design and construction of the Project are estimated to be \$22,979,022, including \$18,125,000 in total hard construction costs; and

WHEREAS, the Successor Agency, the Oversight Board, and the California Department of Finance (DOF) have approved line items in certain Recognized Obligation Payment Schedules (collectively, ROPS) that provide funding for a substantial portion of the anticipated Project costs; and

WHEREAS, CivicSD intends to seek approval of additional ROPS funding, or identify alternative sources of financing outside of the ROPS, to cover the remaining Project costs; and

WHEREAS, CivicSD intends to administer construction of the Project in two phases: (1) an initial phase involving demolition of a walkway, relocation of a railway fence, and modifications to landscaping (Phase One); and (2) a second phase involving construction of the roadway intersection, all other street improvements, signal and track improvements, and additional landscaping (Phase Two); and

WHEREAS, equipment purchases and related construction work, to be provided at the Successor Agency's expense, are needed from BNSF and MTS for the Project; and

WHEREAS, consultant services are also needed for the Project, including engineering, construction management, construction administration, and inspection services; 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. CivicSD is authorized, on behalf of the Successor Agency, to advertise and receive bids for construction of Phase One and Phase Two.
2. The Mayor or designee is authorized to award, on behalf of the Successor Agency, the construction contracts for Phase One (Phase One Construction Contract) and Phase Two (Phase Two Construction Contract) to the lowest responsible bidder, provided responsive bids from a responsible contractor are within the budgeted amount of \$325,000 for the Phase One Construction Contract, and \$11,900,000 for the Phase Two Construction Contract; and
3. CivicSD is authorized to administer the Phase One Construction Contract and the Phase Two Construction Contract on behalf of the Successor Agency.
4. CivicSD is authorized, on behalf of the Successor Agency, to enter into an agreement with Jacobs Engineering in an amount not to exceed \$970,000 for engineering design and construction administration services for the Project.
5. CivicSD is authorized, on behalf of the Successor Agency, to select a consultant through a qualifications-based selection process, and negotiate and enter into an agreement with that consultant, for construction management and inspection services for the Project in an amount not to exceed \$1,200,000.

6. The Mayor or designee is authorized to execute, on behalf of the Successor Agency, an agreement with MTS for reimbursement by the Successor Agency to MTS of costs related to the Project in an amount not to exceed \$300,000, subject to City Attorney approval of the form of the agreement.

7. The Mayor or designee is authorized to enter, on behalf of the Successor Agency, an agreement with BNSF for reimbursement by the Successor Agency to BNSF of costs related to the Project in an amount not to exceed \$6,200,000, subject to City Attorney approval of the form of the agreement.

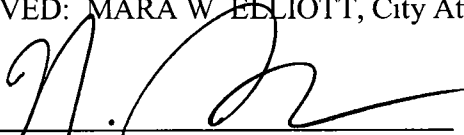
8. Subject to certification that sufficient funds are available, and subject to additional approvals of Project expenditures in applicable ROPS by the Oversight Board and the DOF, as needed, the Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$2,578,580 from Fund 400429 – East Village Pedestrian Bridge Fund, and an amount not to exceed \$19,549,718 from Fund 400700 – Redevelopment Obligation Retirement Fund, for the Project.

9. The Mayor or designee is authorized to take all actions necessary and appropriate to transfer ownership of any and all public improvements comprising the Project from the Successor Agency to the City following their completion.

10. 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: MARA W ELLIOTT, City Attorney

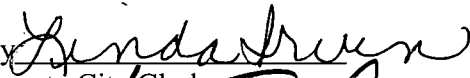
By

  
\_\_\_\_\_  
Nathan Slegers  
Deputy City Attorney

NS:nja  
05/25/18  
Or.Dept: CivicSD  
Document No. 1760044

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 12 2018.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 6/14/18  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUN 12 2018, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 JUN 14 2018

(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 Ginda Bruin, Deputy

Office of the City Clerk, San Diego, California

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