

ORDINANCE NUMBER O- 21049 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 13 2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING A SECOND AMENDMENT TO A
SOFTWARE AND LICENSE AND MAINTENANCE
AGREEMENT WITH PHILADELPHIA INDUSTRIAL
DEVELOPMENT CORPORATION TO EXTEND THE
AGREEMENT FOR UP TO AN ADDITIONAL TEN YEARS.

WHEREAS, in 2002, the City of San Diego (City) established the San Diego Regional Revolving Loan Fund (Fund) to make loans to small businesses; and

WHEREAS, the Fund was made possible by a grant from the United States Department of Commerce, Economic Development Administration (EDA); and

WHEREAS, the Fund is a source of funding to small businesses for working capital, inventory, machinery and equipment, property acquisition and soft costs; and

WHEREAS, the City entered into a Software License and Maintenance Agreement dated February 11, 2004 (Agreement) with Philadelphia Industrial Development Corporation, a Pennsylvania nonprofit corporation (PIDC), for software and maintenance services to track federally funded loans made to small businesses to comply with EDA reporting requirements; and

WHEREAS, the Agreement contained a one (1) year term, with automatic extensions on an annual basis indefinitely; and

WHEREAS, the City Council passed Ordinance No. O-20094 effective October 3, 2011, which ratified and amended the Agreement to extend ten (10) years, from February 11, 2009 to February 10, 2019; and

WHEREAS, the City desires to enter into a second amendment to the Agreement to extend the term one (1) year, with an automatic extension on an annual basis up to a maximum of ten (10) years, terminating on or before February 10, 2029 (Second Amendment), included as Attachment A to the staff report accompanying this Resolution; and

WHEREAS, the annual maintenance fee under the amended Agreement is five hundred and fifty dollars (\$550), with minimal additional services anticipated; and

WHEREAS, under Charter section 99, no contract, agreement or obligation extending for a period of more than five years may be authorized except by Ordinance approved by a two-thirds majority vote of the City Council; NOW THEREFORE,

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

Section 1. The City Council approves the Second Amendment to the Agreement.

Section 2. The Mayor, or designee, is authorized and directed to sign, the Second Amendment to the Agreement, including all attachments and exhibits requiring the City's signature. A copy of the Second Amendment to the Agreement, when fully executed, shall be placed on file in the Office of the City Clerk as Document No. OO- 21049.

Section 3. The Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$15,000 over the full term of the Agreement, from the San Diego Revolving Loan Fund, Fund 200352, for the purpose of executing this Second Amendment to the Agreement.

Section 4. The Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

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

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

APPROVED: MARA W. ELLIOTT, City Attorney

By Marguerite E. Middaugh
Marguerite E. Middaugh
Deputy City Attorney

MEM:jdf
2/7/2019
Or.Dept: Economic Development
Doc. No.: 1905901

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 12 2019.

ELIZABETH S. MALAND
City Clerk

By Elizabeth S. Maland
Deputy City Clerk

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Approved: 3/13/19
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on MAR 12 2019, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 13 2019

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 Sty Ready, 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

FEB 25 2019

and on MAR 13 2019

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 Sty Ready, Deputy

Office of the City Clerk, San Diego, California

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