

RESOLUTION NUMBER R- 312190

DATE OF FINAL PASSAGE FEB 04 2019

A RESOLUTION OF THE 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 CERTAIN ACTIONS RELATED TO THE RENOVATION OF PUBLIC SPACES AT THE LYCEUM THEATRE WITHIN THE HORTON PLAZA REDEVELOPMENT PROJECT AREA.

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 San Diego Resolution R-307238 adopted by the City Council effective January 12, 2012, the City, 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 housing successor 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 is winding down the Former RDA's operations in accordance with AB 26, enacted on June 28, 2011, Assembly Bill 1484, enacted on June 27, 2012, and subsequent related legislation (collectively, the Dissolution Laws); and

WHEREAS, in 1985, the Former RDA and Horton Plaza Associates (HP Associates) executed a Lease Agreement (Lease Agreement) with respect to the Lyceum Theatre (Site) within the Horton Plaza Redevelopment Project Area; and

WHEREAS, among other things, the Lease Agreement required HP Associates to transfer a leasehold interest in the Site to the Former RDA for the operation and management of a theatre and obligated the Former RDA to pay approximately \$8 million toward the construction and equipment for a theatre at the Site; and

WHEREAS, in 1986, the Former RDA and the Horton Plaza Theatres Foundation (HPTF) entered into a Master Sublease Agreement (Sublease Agreement) under which all of the obligations of the Former RDA under the Lease Agreement were transferred to HPTF, with the exception that the Former RDA retained the obligation to replace fixtures and equipment for a theatre at the Site that were originally installed by the Former RDA and are in need of replacement from time to time due to ordinary wear and tear or obsolescence; and

WHEREAS, the Successor Agency will implement an enforceable obligation related to the replacement of fixtures and equipment at the Site, which will result in the renovation of the Lyceum Theatre (Project); and

WHEREAS, in July 2018, Civic San Diego (Civic SD) issued a Request for Qualifications (RFQ) to hire a design team to provide construction management and inspection

services, which includes processing building permits, assisting in the procurement process, and construction administration for the Project (Services); and

WHEREAS, in response to the RFQ, Architects Mosher Drew (Mosher Drew) have been selected to provide the Services for the Project, and the Successor Agency and Mosher Drew now propose to enter into the consultant agreement (Agreement), included as Attachment B to Staff Report CSD-19-03; and

WHEREAS, the total cost of the Agreement is \$734,076; and

WHEREAS, the approval of the Agreement and expenditure of funds is necessary to allow for the Project to move forward; and

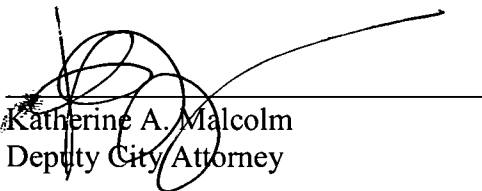
WHEREAS, the Successor Agency's expenditure of funds toward completion of the Project is contingent upon the Oversight Board and the State Department of Finance approving such expenditure in the applicable Recognized Obligation Payment Schedules; NOW, THEREFORE,

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. The Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$734,076 for the Project from funds identified in Line Item 205 of the applicable Recognized Obligation Payment Schedule of the Successor Agency to provide funding for construction management and inspection services related to the Project.
2. The Council approves the Agreement.

3. The Mayor, or designee, is authorized and directed to execute the Agreement, including all attachments and exhibits requiring the Successor Agency's signature. A copy of the Agreement, when fully executed, shall be placed on file with the City Clerk as Document No. RR- 312190 .

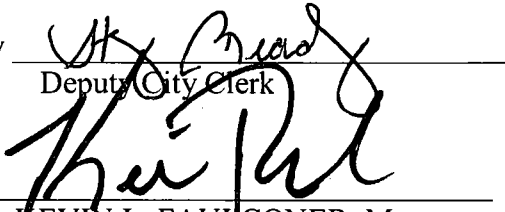
APPROVED: MARA W. ELLIOTT, City Attorney

By:   
Katherine A. Malcolm  
Deputy City Attorney

KAM:jvg  
1/07/2019  
Or.Dept: Civic San Diego  
Doc. No.: 1904060

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 29 2019 .

ELIZABETH S. MALAND  
City Clerk

By:   
Deputy City Clerk  
KEVIN L. FAULCONER, Mayor

Approved: 2/4/19  
(date)

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

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

Passed by the Council of The City of San Diego on JAN 29 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 FEB 04 2019.

**(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.

(Seal)

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

By *Stacy Bracy*, Deputy

Office of the City Clerk, San Diego, California

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