

RESOLUTION NUMBER R- 312821

DATE OF FINAL PASSAGE JAN 30 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE RETENTION OF KANE, BALLMER & BERKMAN AS OUTSIDE COUNSEL TO PROVIDE LEGAL SERVICES RELATED TO THE SALE OF THE MISSION VALLEY STADIUM SITE TO SAN DIEGO STATE UNIVERSITY.

WHEREAS, in November 2018, local voters approved Measure G, the San Diego State University (SDSU) West citizens' initiative, the main substance of which is now codified in San Diego Municipal Code section 22.0908; and

WHEREAS, Measure G contemplates that the City of San Diego (City) and SDSU will negotiate a purchase and sale agreement (PSA), as well as other necessary agreements and documents, related to the City's sale of the Mission Valley Stadium Site (Site) to SDSU (Project); and

WHEREAS, the Project entails the acquisition, construction, and operation of an SDSU Mission Valley campus, stadium, parks, recreation, and innovation area to support SDSU's education, research, entrepreneurial, technology, and athletics programs; and

WHEREAS, the Project includes the following elements: (a) approximately 86 acres of parks, recreation, and open space, including a 34-acre River Park; (b) approximately 1.6 million square feet of campus uses for education, research, entrepreneurial and technology programs; (c) construction of a new, multipurpose 35,000-capacity stadium and corresponding demolition of the existing stadium; (d) approximately 4,600 residences, including student, faculty, staff,

workforce, and affordable housing; (e) approximately 400 hotel rooms; (f) approximately 95,000 square feet of community-serving retail space; (g) enhanced use of the MTS Green Line Stadium Trolley Station and accommodation of the planned Purple Line on the Site; and, (h) associated on-site and off-site infrastructure, utilities, facilities, and other amenities; and

WHEREAS, due to the complexity and magnitude of the Project, the City requires the assistance and expertise of outside counsel to address any legal issues in connection with the City's sale of the Site as well as the further preparation and negotiation of the PSA and related documents for the City's sale of the Site to SDSU; and

WHEREAS, pursuant to San Diego City Charter Article 5, section 40, the City Council is empowered to employ outside counsel when such assistance or advice is necessary; and

WHEREAS, the City Attorney's Office obtained proposals from various law firms to conduct the work and determined that the Law Firm of Kane, Ballmer & Berkman (Law Firm) possesses the specialized experience, resources, and personnel sufficient to represent the City on this matter; and

WHEREAS, to timely and competently proceed with the sale of the Site, the Purchasing and Contracting Director has executed a sole source certification memo to proceed with retention of the Law Firm because the City receives no competitive advantage by conducting a more formal competitive solicitation; and

WHEREAS, the amount of the contract with the Law Firm (Legal Services Agreement) is for an amount not to exceed \$250,000, which would not require City Council approval of the contract itself pursuant to San Diego Municipal Code section 22.3207(a); NOW, THEREFORE,

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

1. That the City Attorney's Office is authorized to retain the Law Firm as outside counsel to provide legal services to the City on the Project under a contract with an amount not to exceed \$250,000 for a one-year term with an option to extend for one additional year.
2. That the Chief Financial officer or his designee is authorized to appropriate and expend an amount not to exceed \$250,000 from the General Fund, Citywide Program Expenditures Department to provide funds for the contract, contingent upon the adoption of the Appropriation Ordinance for the applicable Fiscal Year, and contingent upon the Chief Financial Officer first furnishing one or more certificates that the funds necessary are, or will be, on deposit in the City Treasury.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Kenneth R. So
Deputy City Attorney

KRS:soc:ccm
01/21/2020
Or.Dept:City Attorney
Doc. No.: 2290055_4

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 27 2020.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 1/30/2020
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JAN 27 2020, 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 JAN 30 2020.

(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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
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