

RESOLUTION NUMBER R- 313468

DATE OF FINAL PASSAGE MAR 17 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A FIRST AMENDMENT TO A COMPENSATION AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND CIVIC SAN DIEGO FOR CONSTRUCTION OF CHILDREN'S PARK IN THE DOWNTOWN COMMUNITY PLAN AREA, APPROVING FUNDING, AND RELATED ACTIONS.

WHEREAS, Civic San Diego, a nonprofit public benefit corporation (Civic) provides consulting services to the City of San Diego (City) pursuant to that certain Operating Agreement regarding redevelopment wind down activities and management and completion of certain projects, dated June 18, 2019 (Operating Agreement); and

WHEREAS, the City owns real property located at 420 First Avenue in downtown San Diego, which is currently improved with a public park (Children's Park Improvements); and

WHEREAS, Civic manages the completion of additional improvements to Children's Park pursuant to section 2.1.1.3 of the Operating Agreement; and

WHEREAS, the Council of the City of San Diego (City Council) on June 25, 2014, pursuant to Resolution R-309070, adopted the Downtown Community Public Facilities Financing Plan for Fiscal Year 2015, which identifies Project No. P-1, Children's Park Improvements; and

WHEREAS, on January 12, 2020, the City and Civic entered into that certain Compensation Agreement regarding construction of East Village Green and Children's Park (Compensation Agreement), by which the City has agreed to reimburse Civic for certain costs incurred in completing the Children's Park Improvements; and

WHEREAS, the original estimated cost for the Children's Park Improvements was \$7,999,080; and

WHEREAS, due to the increased construction costs in the local industry, the lowest responsive bid exceeded the original budget; and

WHEREAS, an additional \$1,000,920 in Development Impact Fees (DIF) is available to fund the increased construction costs for the Children's Park Improvements; and

WHEREAS, the City and Civic propose entering into a First Amendment to the Compensation Agreement to reflect the increased costs (First Amendment), a copy of which is included in the backup materials accompanying this Resolution; and

WHEREAS, development within the Downtown Community Planning area is covered under the following documents, all referred to as the "Downtown FEIR": Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the Redevelopment Agency of the City of San Diego (Former RDA), Resolution R-04001, and City Council Resolution R-301265 on March 14, 2006 ; subsequent addenda to the FEIR certified by the Former RDA on August 3, 2007 (Resolution R-04193), April 21, 2010 (Resolution R-04510), and August 3, 2010 (Resolution R-04544), and certified by City Council Resolution R-308724 on February 12, 2014, and City Council Resolution R-309115 on July 14, 2014; and, the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by City Council Resolution R-310561 on June 21, 2016. Development within the Downtown Community Planning area is also covered under the following documents, all referred to as the "CAP FEIR": FEIR for the City of San Diego Climate Action Plan (CAP),

certified by the City Council on December 15, 2015 (Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (Resolution R-310595); and

WHEREAS, the information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgment of the City as the lead agency; NOW, THEREFORE,

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

1. The Council approves the First Amendment.

2. The Mayor, or designee, is authorized and directed to execute the First Agreement, contingent upon the Chief Financial Officer certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer. A copy of the First Amendment, when fully executed, shall be placed on file with the City Clerk as Document

No. RR- 313468.

3. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP S-16013, Children's Park Improvement Project, and to appropriate and expend \$1,000,920 from Fund 400122, Downtown DIF, for construction of the Children's Park Improvements, contingent upon the Chief Financial Officer certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: MARA W. ELLIOTT, City Attorney

By: /s/ Katherine A. Malcolm
Katherine A. Malcolm
Deputy City Attorney

KAM:soc
03/02/2021
Or.Dept: Economic Dev't
Doc. No.: 2601012

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 03/16/2021.

ELIZABETH S. MALAND
City Clerk

By /s/ Stacy D. Ready
Deputy City Clerk

Approved: 3/17/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on MAR 16 2021, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Joe LaCava | <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"/> |
| Stephen Whitburn | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Monica Montgomery Steppe | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Marni von Wilpert | <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"/> |
| Raul A. Campillo | <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"/> |
| Sean Elo-Rivera | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage MAR 17 2021.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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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