

RESOLUTION NUMBER R- 315022

DATE OF FINAL PASSAGE JUN 30 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE APPLICATION FOR CALIFORNIA ARTS COUNCIL GRANT PROGRAM FUNDS, APPROVING AN ADVANCE PAYMENT AGREEMENT, AND ALL RELATED ACTIONS, FOR THE VILLA MONTEZUMA MUSEUM RESTORATION PROJECT.

WHEREAS, the Legislature and Governor of the State of California have delegated responsibility for the administration of a local assistance State Grant Program (Grant Program) to the California Arts Council; and

WHEREAS, the procedures established by the California Arts Council require the applicants' Governing Body to certify by resolution the approval of the grant application before submission of the application to the State of California; and

WHEREAS, the procedures established by the California Arts Council require the City of San Diego (City) to certify by resolution the approval of the General Provisions contained in the contract shown in the Procedural Guide before submission of the application package to the State; and

WHEREAS, the City wishes to receive \$5,000,000 in Grant Program funding for improvements to the interior and exterior of the Villa Montezuma Museum building and improvements to the historic tower (Project); and

WHEREAS, successful applicants will enter into a contract with the State of California to complete the Project; and

WHEREAS, the City seeks to enter into an advance payment agreement (Agreement) with Friends of the Villa Montezuma, Inc. (FOVM) to advance Grant Program funds and expend up to \$5,000,000 of Grant Program funds for the Project; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego (Council), that the Mayor, or his designee, is authorized to make an application to the California Arts Council Grant Program for an amount not to exceed \$5,000,000 in Grant Program funding for the Project.

BE IT FURTHER RESOLVED, that the Council certifies and that City understands the assurances and certification in the Project Information Form.

BE IT FURTHER RESOLVED, that the Council approves the acceptance of Grant Program funds for the Project.

BE IT FURTHER RESOLVED, that the Council certifies that it will have sufficient funds to operate and maintain the Project or will enter into an agreement with another entity to perform said operation and maintenance.

BE IT FURTHER RESOLVED, that the Council certifies that it has reviewed and understands the General Provisions contained in the Project Agreement shown in the Procedural Guide.

BE IT FURTHER RESOLVED, that the Council certifies that the City will comply with all applicable federal, state, and local laws, ordinances, rules, regulations, and guidelines.

BE IT FURTHER RESOLVED, that the Mayor, or the Mayor's designee, is authorized to conduct all negotiations, sign, and submit all documents, including, but not limited to, the Project Information Form, applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant's scope of work.

BE IT FURTHER RESOLVED, that the Mayor, or the Mayor's designee, is authorized to take all necessary actions to secure funding from the California Arts Council for the completion of the Project.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to increase the Capital Improvements Program (CIP) Budget, and to accept, appropriate, and expend an amount not to exceed \$5,000,000 in Grant Program funding from Fund 600001 Grant Fund-State for the Villa Montezuma Museum Restoration Project, if the grant funding is secured, contingent upon the receipt of a fully executed grant agreement, and contingent upon the Chief Financial Officer furnishing one or more certificates that funds are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to add CIP RD23008, Villa Montezuma Museum Restoration, to the CIP Program.

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized to enter into an advance payment agreement (Agreement) with FOVM, and to advance up to \$5,000,000 in Grant Program funds to FOVM for costs for the Villa Montezuma Museum Restoration Project.

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized to negotiate the Agreement and accept it on terms and conditions deemed by the Mayor or the Mayor's designee to be reasonable and in the best interest of the City, and to execute and deliver on behalf of the City, the Agreement and all other agreements and documents necessary to complete the Agreement for an amount not to exceed \$5,000,000 in Grant Program funds; and to advance an amount not to exceed \$5,000,000 in Grant Program funds to FOVM pursuant to the negotiated Agreement.

BE IT FURTHER RESOLVED, that if any grant funding discussed above is secured, the Chief Financial Officer is authorized to establish a special interest-bearing account for such grant funds, if required.

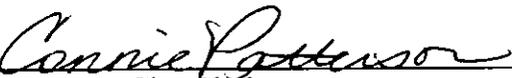
APPROVED: MARA W. ELLIOTT, City Attorney

By   
Jane M. Boardman  
Deputy City Attorney

JMB:nja  
05/09/23  
Or. Dept: Park & Recreation Dept.  
Doc. No.: 3325796

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 27 2023

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: 6/29/23  
(date)

  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 27 2023, 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"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JUN 30 2023.

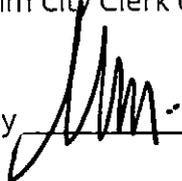
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

(Seal)

DIANA J.S. FUENTES  
Interim City Clerk of The City of San Diego, California.

By  Deputy  
for Connie Patterson

Office of the City Clerk, San Diego, California

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