

RESOLUTION NUMBER R- 315810

DATE OF FINAL PASSAGE OCT 03 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE FIRST AMENDMENT TO THE AGREEMENT WITH DOWNTOWN SAN DIEGO PARTNERSHIP FOUNDATION FOR SAFE SLEEPING PROGRAM OPERATIONS AT O LOT AND AUTHORIZING RELATED ACTIONS.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. On August 11, 2023, the City of San Diego (City) issued Request for Proposal 10090066-24-V (RFP) seeking multiple contractors to operate the City's Safe Sleeping Program at City-owned real property located at the edge of Balboa Park (O Lot) and other sites the City may determine appropriate. The RFP requires contractors to oversee 50 to 400 safe sleeping accommodations, 24-hours per day, seven days per week.

B. The City accepted Downtown San Diego Partnership Foundation's (Contractor) proposal and entered into an Agreement for Safe Sleeping Program Operations at O Lot (Agreement) with Contractor on October 23, 2023.

C. The Agreement is for a one-year period beginning October 23, 2023, and the City, in its sole discretion, may extend the Agreement for four additional one-year periods. The City shall pay Contractor in an amount not-to-exceed \$1,260,782.00 for performance of services under the Agreement.

D. The current compensation for the Agreement allows Contractor to operate the City's Safe Sleeping Program with approximately 127 safe sleeping accommodations.

E. As presented to Council on July 22, 2024, in the City's Comprehensive Shelter Strategy update, amending the Agreement will allow the City to increase safe sleeping accommodation capacity at O Lot.

F. The City and Contractor now desire to amend the Agreement's initial term to expire June 30, 2025, to align with the end of the City's fiscal year. Modifying the Agreement's initial term also allows option years, if exercised, to align with the City's fiscal year. The City and Contractor also desire to amend the number of option years from four additional one-year periods to three additional one-year periods.

G. The City and Contractor also desire to amend the Agreement to increase the compensation by \$8,071,192.60 for a total not-to-exceed of \$9,331,974.60 for the term of the Agreement, including the three option years.

H. To meet this objective, the City and Contractor negotiated a First Amendment to the Agreement (First Amendment), included in the docket materials accompanying this Resolution. In addition to the changes to the term and compensation, the First Amendment clarifies that work and compensation under the Agreement is contingent on the Council appropriating funding for compensation each fiscal year. The First Amendment also clarifies O Lot's address to be consistent with the License Agreement attached to the Agreement as Exhibit B, Attachment 3.

I. The proposed First Amendment would support an increase in Contractor's capacity to operate the City's Safe Sleeping Program at O Lot by approximately 100 additional safe sleeping accommodations.

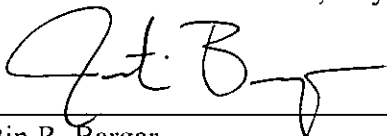
J. The Office of the City Attorney prepared this Resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council approves the First Amendment.
2. The Mayor, or designee is authorized, on the City's behalf, to sign the First Amendment.
3. The Chief Financial Officer is authorized to expend an amount not to exceed \$2,121,693.31 for the purpose of providing for the increased compensation during the initial term of the Agreement, as amended by the First Amendment, contingent upon the Chief Financial Officer first certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.
4. Funding for each option year, if exercised, is contingent on the Council appropriating sufficient funds through the annual appropriations ordinance and contingent upon the Chief Financial Officer first certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Justin R. Bargar
Deputy City Attorney

JRB:cw
9/18/2024
Or. Dept: Homelessness Strategies & Solutions Department
CC No.: 3000017098
Doc No.: 3799564

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
OCT 01 2024

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 10/3/24
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000017098
 DEPT. NO.: **BA: 1716**

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____

Purpose: _____

Date: _____

By: _____
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in-conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$2,121,693.31

Vendor: Downtown San Diego Partnership Foundation

Purpose: To authorize the expenditure of funds not to exceed \$2,121,693.31 for the first amendment to the Safe Sleeping Program at the O Lot Facility to modify the initial term to expire June 30, 2025.

Date: September 13, 2024

By: Alyssa Yopez *Alyssa Yopez*
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
1		100000		512143	OTHR-00000000-NS	1716	1716000011	11004781	\$2,121,693.31
TOTAL AMOUNT									\$2,121,693.31

FUND OVERRIDE

Passed by the Council of The City of San Diego on OCT 01 2024, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry Foster, III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 OCT 03 2024.

(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
City Clerk of The City of San Diego, California.

By *Rinda Arwin*, Deputy
For Gilbert Sanchez

Office of the City Clerk, San Diego, California
Resolution Number R- 315810