

RESOLUTION 2015-135

RESOLUTION (A) APPROVING TRANSFER OF FUNDS WITHIN THE FY 2014-2018 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET APPROPRIATION FROM CONTINGENCY TO THE NATIONAL CITY AQUATIC CENTER IN THE AMOUNT OF \$223,110 PURSUANT TO BPC POLICY NOS. 120 AND 90; (B) AUTHORIZING AMENDMENT NO. 2 TO THE AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING WITH THE CITY OF NATIONAL CITY TO INCREASE THE BUDGET FOR THE NATIONAL CITY AQUATIC CENTER BY \$223,110 FROM THE FY 2014-2018 CAPITAL IMPROVEMENT PROGRAM CONTINGENCY; AND (C) AUTHORIZING THE DISTRICT TO WAIVE THE ONE PERCENT FOR ART REQUIREMENT AS SET FORTH IN BPC POLICY NO. 608 – TENANT PERCENT FOR ART FOR THE NATIONAL CITY AQUATIC CENTER

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, the National City Aquatic Center, also known as the National City Waterfront Adventure Center (Project), is an existing project in the District's FY 2014-2018 Capital Improvement Program (CIP) with a current total contribution authorized by District of \$4,410,000 and is the subject of Amendment No. 1 to the Amended and Restated Memorandum of Understanding between the San Diego Unified Port District and the City of National City regarding the National City Aquatic Center (MOU), on file with the Office of the District Clerk as Doc. No. 63880; and

WHEREAS, on June 18, 2015, the District received a letter from the City of National City requesting \$650,000 in additional funding for construction and non-construction related costs to complete the National City Aquatic Center project (Project), the City and the District discussed the request for additional funding, gathered financial information, revised the projected construction budget and reviewed the status of the Project, and on August 4, 2015, the City submitted

a revised request for additional funding of \$473,107 for construction, construction support services and non-construction related costs for the Project; and

WHEREAS, the District CIP Staff Committee reviewed the revised request and recommended approval of \$223,110 of additional funding to complete construction of the Project, transfer of funds within the FY 2014-2018 CIP from contingency to the Project, amendment to the MOU, and also that the District waive the City's obligation to allocate one percent towards art, as set forth in BPC Policy No. 608 – Tenant Percent for Art, due to the current funding constraints of the Project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District as follows:

- (A) Transfer of funds within the FY 2014-2018 Capital Improvement Program (CIP) budget appropriation from contingency to the National City Aquatic Center in the amount of \$223,110 is hereby approved pursuant to BPC Policy Nos. 120 and 90;
- (B) The Executive Director or her designee is authorized to execute Amendment No. 2 to the Amended and Restated Memorandum of Understanding with the City of National City to increase the budget for the National City Aquatic Center by \$223,110 and condition payment of this additional amount on final completion of the Project, certificate of occupancy, and receipt of releases from subcontractors and others; and
- (C) The Executive Director or her designee is authorized to waive the One Percent for Art requirement as set forth in BPC Policy No. 608 – Tenant Percent for Art for the National City Aquatic Center.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL


By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 6th day of October, 2015, by the following vote:

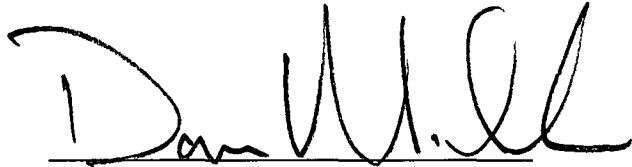
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

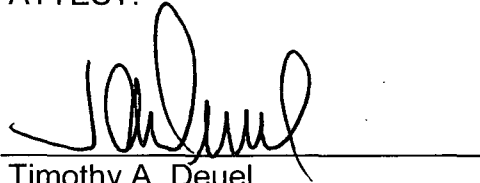
ABSENT: None.

ABSTAIN: None.



Dan Malcolm, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

