

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE xxxx**

**ORDINANCE AMENDING THE FISCAL YEAR (FY)  
2020 BUDGET INCREASING THE FY 2020 CAPITAL  
IMPROVEMENT PROGRAM (CIP) APPROPRIATION  
BY \$2,300,000 FROM DISTRICT'S CUMULATIVE  
UNRESTRICTED RESOURCES**

**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**, Board of Port Commissioners (BPC) Policy No. 120 authorizes the BPC to consider out-of-cycle project requests; and

**WHEREAS**, the Site Preparation at Chula Vista Bayfront (P0460) project (CVB Site Preparation Project) was established as a Capital Improvement Program (CIP) project in April 2011 to support the real estate redevelopment planning of the Chula Vista Bayfront Master Plan (CVB); and

**WHEREAS**, to date, the CVB Site Preparation Project has funded the design guidelines for the CVB, design and construction related to soil import on the CVB, preliminary outreach and pre-design for the Harbor Park and Sweetwater Park, and oversight related to the design of various public infrastructure; and

**WHEREAS**, the CVB Site Preparation Project budget now stands at \$17,713,937, which includes funds received from an Urban Greening Grant for the Sweetwater Path and one-time SDG&E Relocation Fee; and

**WHEREAS**, the District, the City of Chula Vista (City) and RIDA Chula Vista, LLC (RIDA) are parties to a Disposition and Development Agreement dated May 7, 2018 filed by the District Clerk as Document No. 68398 (DDA), which sets forth a closing timeline that will result in a close of escrow where financing for the resort hotel and convention center project (RHCC) to be constructed on Parcel H-3 and related public infrastructure (Phase 1A Improvements) will be issued and construction of the RHCC and Phase 1A Improvements will commence; and

**WHEREAS**, while it is anticipated that some of the funds from the close of escrow may be applied toward the cost of the Phase 1A Improvements, the District must move forward with the construction of the various facets of the CVB in preparation for such closing and to serve ongoing developments such as the recreational vehicle (RV) park currently under construction on Parcel S-1 by Sun Chula Vista Bayfront RV LLC (Costa Vista RV Park); and

**WHEREAS**, to continue the ongoing CVB Site Preparation Project efforts, staff is requesting a \$2,300,000 CIP budget increase, \$2,000,000 for external costs and \$300,000 for internal labor costs, to provide funding for project costs until the close of escrow; and

**WHEREAS**, this funding will be used to review the designs for Phase 1A Improvements for the CVB, fund the designs and studies needed to obtain Coastal Development Permits for Harbor Park and Sweetwater Park, complete the construction of the Sweetwater Bicycle Path and Promenade project, provide ongoing construction oversight of the Costa Vista RV Park, and complete design of the Interim Grading Improvements for Parcel H23; and

**WHEREAS**, approval of this action will amend the FY 2020 CIP to increase the appropriation from a total of \$33,442,020 to \$35,742,020 by adding \$2,300,000; and

**WHEREAS**, funding for this budget amendment is available from the District's cumulative unrestricted resources; and

**WHEREAS**, of the \$2,300,000 requested, staff anticipates some of these costs may be recoverable from the closing proceeds under the DDA; and

**WHEREAS**, the staff committee for the CIP has reviewed and recommends this out-of-cycle project request; and

**WHEREAS**, staff recommends the BPC approve the amendment to increase the FY 2020 CIP appropriation by \$2,300,000 from the District's cumulative unrestricted resources.

**NOW, THEREFORE**, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. The Fiscal Year (FY) 2020 budget is hereby amended to increase the FY 2020 Capital Improvement Program (CIP) appropriation by \$2,300,000 from the San Diego Unified Port District's cumulative unrestricted resources.

Section 2. This Ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 5<sup>th</sup> day of November, 2019, by the following vote: