

REDEVELOPMENT AGENCY OF THE
CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04533

DATE OF FINAL PASSAGE JUN 28 2010

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO [AGENCY] (i) APPROVING BID NUMBER K0103579RDA AND FINAL PROJECT SPECIFICATIONS AND PLANS NUMBER 3579A FOR THE DOWNTOWN SAN DIEGO QUIET ZONE PROJECT [PROJECT] LOCATED WITHIN THE CENTRE CITY REDEVELOPMENT PROJECT; (ii) AWARDED THE CONSTRUCTION CONTRACT TO WEST COAST GENERAL CORPORATION FOR CONSTRUCTION OF THE PROJECT IN THE AMOUNT OF \$8,346,935.30; (iii) AUTHORIZING THE AGENCY EXECUTIVE DIRECTOR OR DESIGNEE TO EXECUTE THE CONSTRUCTION CONTRACT WITH WEST COAST GENERAL CORPORATION FOR CONSTRUCTION OF THE PROJECT IN THE AMOUNT OF \$8,346,935.30 UPON SATISFACTION OF REQUIREMENTS; (iv) AUTHORIZING THE CENTRE CITY DEVELOPMENT CORPORATION, INC. [CORPORATION], ON BEHALF OF THE AGENCY, TO ENTER INTO AN AGREEMENT WITH RAILPROS, INC. IN AN AMOUNT NOT TO EXCEED \$1,237,238, AN AGREEMENT WITH PACIFIC RAILWAY ENTERPRISES, INC. IN AN AMOUNT NOT TO EXCEED \$542,259, AND A MEMORANDUM OF UNDERSTANDING WITH NORTH COUNTY TRANSIT DISTRICT IN AN AMOUNT NOT TO EXCEED \$748,275 FOR CONSTRUCTION RELATED SERVICES FOR THE PROJECT; (v) APPROVING A COOPERATION AGREEMENT BETWEEN THE AGENCY AND CITY FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT; AND (vi) AUTHORIZING THE CORPORATION, ON BEHALF OF THE AGENCY, TO ADMINISTER THE CONTRACTS AND AGREEMENTS IN CONNECTION WITH THE PROJECT.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Centre City Redevelopment Project Area [Project Area]; and

WHEREAS, the Centre City Development Corporation, Inc. [Corporation], on behalf of the Agency, is responsible for implementing redevelopment projects in the Project Area; and

WHEREAS, in order to carry out and implement the Redevelopment Plan for the Project Area, the Agency, pursuant to Resolution No. R-04405 effective June 19, 2009, approved the Fourth Five-Year Implementation Plan for the period of July 2009 through June 2014 for the Centre City and Horton Plaza Redevelopment Projects [Implementation Plan], which identifies the need to improve public safety and the desirability to develop and eliminate blight by implementing a Quiet Zone within the Project Area; a copy of the Implementation Plan is on file with the Agency Secretary as Document No. D-04405e; and

WHEREAS, the federal government, through the Federal Railroad Administration, has addressed the quality of life issue of train noise in urban areas, in the Final Rule for the Use of Locomotive Horns at Highway-Rail Crossings which sets out regulatory procedures and technical requirements necessary for the implementation of a Quiet Zone; and

WHEREAS, in order for the San Diego Downtown area to qualify for a Quiet Zone designation, additional safety enhancements at the crossings are required to be constructed; and

WHEREAS, pursuant to Resolution No. R-04192 with date of final passage on August 3, 2007, the Agency certified and approved the Final Mitigated Negative Declaration (MND) SCH No. 2007021121 dated April 3, 2007 for the Downtown San Diego Quiet Zone Project including 13 railroad/public right-of-way crossings [Quiet Zone Project]; and

WHEREAS, the Council of the City of San Diego [City] approved the proposed G Street conversion from a two-way street to a one-way eastbound street from Pacific Highway to Front Street, as part of the Quiet Zone Project, and reviewed and considered the MND; and

WHEREAS, pursuant to Resolution No. R-04321 and Resolution No. R. 304077, with dates of final passage on September 10, 2008, the Agency and Council, respectively, made the

requisite findings required by California Health and Safety section 33445 for the Agency to pay the costs of the improvements to implement the Quiet Zone Project and the Agency authorized the Corporation to advertise and receive bids for construction of the Project; and

WHEREAS, the Agency has budgeted a total amount of Twenty Million Nine Hundred Forty Thousand Dollars (\$20,940,000) for the design and construction of the railroad/public right-of-way crossing improvements necessary to implement the Quiet Zone Project; and, of the total \$20,940,000 budgeted for the Quiet Zone Project, the Agency has budgeted a total amount of \$17,900,000 for the construction of the railroad/public right-of-way crossing improvements necessary to implement the Quiet Zone Project; and

WHEREAS, the City proposes to enter into contracts with the San Diego Metropolitan Transit System [MTS], the North County Transit District [NCTD], and the Burlington Northern & Santa Fe Railway Company [BNSF] for the construction, operation and maintenance of the railroad/public right-of-way crossing improvements and the Quiet Zone Project; and

WHEREAS, the Agency proposes to approve the bid from the lowest responsible bidder and award the contract to West Coast General Corporation in the amount of \$8,346,935.30 for the construction of improvements necessary to implement the Quiet Zone Project; and

WHEREAS, the Agency intends on paying all costs associated with the design and construction of the Quiet Zone Project, as previously budgeted and approved by the Agency, except those costs associated with maintenance and operations of the railroad/public right-of-way crossing improvements, which costs for maintenance will be paid by the City; and it is contemplated that certain costs to be paid by the Agency in connection with the Quiet Zone Project include employee or contractual services of the City or other necessary parties, which said services are directly related to the design and construction of the Quiet Zone Project and the redevelopment of the Project Area; and

WHEREAS, the Corporation, on behalf of the Agency, desires to enter into an Agreement with RailPros, Inc. in an amount not to exceed \$1,237,238, an Agreement with Pacific Railway Enterprises, Inc. in an amount not to exceed \$542,259, and a Memorandum of Understanding with North County Transit District in an amount not to exceed \$748,275 for construction related services for the Quiet Zone Project; and

WHEREAS, the Agency and City desire to enter into a Cooperation Agreement in order to establish the terms for the design and construction of the Quiet Zone Project including, without limitation, the funding for design and construction of the improvements, construction inspection responsibilities, maintenance responsibilities, and acceptance of the public improvements within the public rights-of-way; and

WHEREAS, after having duly considered the actions described above, the Agency finds that the actions by the Agency to construct and implement the Quiet Zone Project are in the best interests of the Project Area, the City and the safety, morals, and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local law requirements;

NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego [Agency], as follows:

1. That the Agency hereby approves Bid No. K0103579RDA and Final Project Specifications and Plans No. 3579A for the Quiet Zone Project within the Project Area.
2. That the Agency hereby awards the Construction Contract to West Coast General Corporation, the lowest responsible bidder, for the construction of improvements necessary to implement the Quiet Zone Project in the amount of \$8,346,935.30.
3. That the Agency hereby authorizes the Agency Executive Director or designee to execute the Construction Contract with West Coast General Corporation for the construction of

improvements necessary to implement the Quiet Zone Project in the amount of \$8,346,935.30, provided all other requirements are met.

4. That the Agency hereby authorizes the Corporation, on behalf of the Agency, to enter into an agreement with RailPros, Inc. in an amount not to exceed \$1,237,238, for construction-related services.

5. That the Agency hereby authorizes the Corporation, on behalf of the Agency, to enter into an agreement with Pacific Railway Enterprises, Inc. in an amount not to exceed \$542,259, for construction-related services related to Metropolitan Transit Systems signaling system.

6. That the Agency hereby authorizes the Corporation, on behalf of the Agency, to enter into a Memorandum of Understanding with North County Transit District, in an amount not exceed \$748,275, for construction-related services.


7. That the Agency hereby approves the Cooperation Agreement by and between the Agency and the City for the design and construction of the Quiet Zone Project.

8. That the Agency authorizes the Corporation, on behalf of the Agency, to administer the contracts and agreements in connection with the Quiet Zone Project.

9. That the Agency authorizes the Agency Executive Director or designee to execute all other documents on behalf of the Agency that are necessary and appropriate to carry out and implement the purposes set forth in this Resolution according to its terms, and to administer the Agency's obligations, responsibilities and duties to be performed hereunder.

APPROVED: JAN I. GOLDSMITH, General Counsel

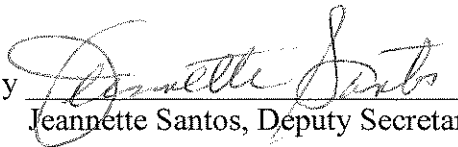
By


Kendall D. Berkey
Deputy General Counsel

KDB:nda
06/11/10
C.Cert: CC3000003344
C.Cert: CC3000003345
C.Cert: CC3000003346
C.Cert: CC3000003347
Or.Dept:CCDC
RA-2010-96
MMS#8754

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at this meeting of JUN 22 2010.

REDEVELOPMENT AGENCY

By 
Jeannette Santos, Deputy Secretary

Approved: 6.28.10
(date)


JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

CC 3000003344

ORIGINATING DEPT. NO.:

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: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	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: _____ \$8,346,935.00

Vendor: West Coast General Corporation

Purpose: Authorize the expenditure of funds for the San Diego Quiet Zone for construction costs. This is a Centre City Redevelopment Project Area project.

Date: June 8, 2010 By: Francisco J Lopez

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	400349	920515101000	920515101101	Ord-00000010-NS	512025	2220	2220500011		\$7,550,000.00
002	400369	920515101000	920515101101	Ord-00000010-NS	512025	2220	2220500011		\$796,935.00
TOTAL AMOUNT									\$8,346,935.00

CC-381 (REV 7-99)

FUND OVERRIDE

CC 3000003344

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

CC 3000003345

ORIGINATING DEPT. NO. _____

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: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	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: \$1,237,238.00

Vendor: Railpro, Inc.

Purpose: Authorize the expenditure of funds for the San Diego Quiet Zone for construction related services. This is a Centre City Redevelopment Project Area project.

Date: June 8, 2010

By: Francisco J Lopez

 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	400369	920515101000	920515101101	Other-00000010-NS	512034	2220	2220500011		\$1,237,238.00
TOTAL AMOUNT									\$1,237,238.00

FUND OVERRIDE

CC 3000003345

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

CC 3000003346

ORIGINATING DEPT. NO. _____

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: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	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: \$542,259.00

Vendor: Pacific Railway Enterprises, Inc.

Purpose: Authorize the expenditure of funds for the San Diego Quiet Zone for construction related services. This is a Centre City Redevelopment Project Area project.

Date: June 8, 2010

By: Francisco J Lopez

 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	400369	920515101000	920515101101	Other-00000010-NS	512034	2220	2220500011		\$542,259.00
TOTAL AMOUNT									\$542,259.00

FUND OVERRIDE

CC 3000003346

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

CC 3000003347

ORIGINATING

DEPT. NO.:

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: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	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: \$748,275.00

Vendor: North County Transit District

Purpose: Authorize the expenditure of funds for the San Diego Quiet Zone for construction related services. This is a Centre City Redevelopment Project Area project.

Date: June 8, 2010 By: Francisco J Lopez

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	400369	920515101000	920515101101	Other-00000010-NS	512034	2220	2220500011		\$748,275.00
TOTAL AMOUNT									\$748,275.00

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000003347

Passed by the Redevelopment Agency of The City of San Diego on JUN 22 2010, by the following vote:

Agency Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 28 2010

AUTHENTICATED BY:

JERRY SANDERS
Executive Director of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
Secretary of The City of San Diego, California.

By *Janette Santos*, Deputy

Office of the Redevelopment Agency, San Diego, California
Resolution Number R- 04533