

RESOLUTION NUMBER R- 296038

ADOPTED ON FEB. 05 2002

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A SECOND AMENDMENT TO AGREEMENT WITH THE PHOEBE HEARST ELEMENTARY SCHOOL FOUNDATION FOR THE CONSTRUCTION OF PHASE IIIA OF THE HEARST ELEMENTARY JOINT USE AREA; AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF \$244,548 FOR USE ON CIP 29-530.0, HEARST ELEMENTARY SCHOOL - JOINT USE IMPROVEMENTS PROJECT; AND AMENDING THE FISCAL YEAR 2002 CAPITAL IMPROVEMENTS PROGRAM BUDGET BY INCREASING THE APPROPRIATION FOR CIP 29-530.0 BY \$244,548.

WHEREAS, the Hearst Elementary School [the School] is located in the Del Cerro area of the Navajo Community Planning area and the surrounding community has initiated the development of the School's approximately four acres of decomposed granite multi-purpose fields to accommodate athletic and recreational uses; and

WHEREAS, on October 30, 2000, by Ordinance No.O-18874 (New Series), the Council of the City of San Diego authorized the execution of an agreement with The Phoebe Hearst Elementary School Foundation [the Foundation], for the Partial Assignment of Joint Use Agreement at Hearst Elementary School Site and Terms of Reimbursement to The Phoebe Hearst Elementary School Foundation [Agreement], a copy of which is on file in the Office of the City Clerk as Document No. OO-18874-2, for the purpose of constructing and providing construction management services for Phase I of the School's Joint Use Improvements Project [the Project]; and

WHEREAS, on August 6, 2001, by Resolution No. 295347, the Council of the City of San Diego authorized the execution of a First Amendment to the Agreement to revise the scope of services for the purpose of constructing and providing construction management services for Phase IIA of the Project for improvements to the upper east field; and

WHEREAS, the Foundation has completed Phases I and IIA of the Project by constructing the lower field and the improvements to the upper east field and would now like to use the remaining funds in the Project for Phase IIIA for the construction of the remaining improvements of the Project; and

WHEREAS, a Second Amendment to Agreement will revise the scope of services to (1) provide construction including grading, placement of topsoil and infield mix, irrigation, and installation of sod on the upper field; and (2) provide construction management and final approval inspection for the Project; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Council approves and authorizes the City Manager to execute, for and on behalf of the City, a Second Amendment to Agreement with The Phoebe Hearst Elementary School Foundation for the construction of Phase IIIA of the Joint Use Improvements Project for the Hearst Elementary School, under the terms and conditions set forth in the Second Amendment to Agreement on file in the Office of the City Clerk as Document No. RR-

296038

2. That the Council authorizes the City Manager to transfer \$95,000 from CIP 29-531.0, Pershing Middle School Joint Use Improvements, Capital Outlay Funds (Fund No. 30245) to CIP No. 29-530.0, Hearst Elementary School Joint Use Improvements; and

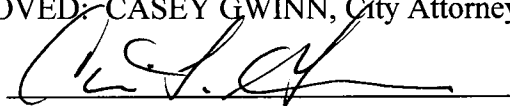
3. That the Council appropriates and authorizes the City Manager to expend an amount not to exceed \$157,000 for use on CIP No. 29-530.0, Hearst Elementary School - Joint Uses Improvements, as follows: \$95,000 from Pershing Middle School - Joint Use Improvements, Capital Outlay Funds (Fund No. 30245); \$22,000 from Park and Recreation Matching Funds (Fund No. 10365); \$1,579 from Lake Murray/Del Cerro Park Service District Funds (Fund No.11370); and \$38,421 from Navajo Development Impact Fees (Fund No. 79506); all solely and exclusively for the purpose of providing funds for the above project.

4. That the Council appropriates and authorizes the City Auditor and Comptroller to expend \$87,548 in cash and in-kind donations for the Pheobe Hearst Elementary School Foundation (Fund No. 63022) in CIP No. 29-530.0, Hearst Elementary School - Joint Use Improvements.


5. That the Fiscal Year 2002 Capital Improvements Program Budget is amended by increasing the appropriation for CIP 29.530.0, Hearst Elementary School - Joint Use Improvements, by \$244,548, as follows: \$95,000 from Pershing Middle School - Joint Use Improvements, Capital Outlay Funds (Fund No. 30245); \$87,548 from private donations (Fund No. 63022); \$22,000 from Park and Recreation Matching Funds (Fund No. 10365); \$1,579 from Lake Murray/Del Cerro Park Service District Funds (Fund No.11370); and \$38,421 from Navajo Development Impact Fees (Fund No. 79506).

APPROVED: CASEY GWINN, City Attorney

By


Carrie L. Gleeson
Deputy City Attorney

CLG:mm
01/22/02
Aud.Cert: 2200736
Or.Dept:Pk & Rec.
R-2002-934

 - 296038

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

AC 2200736

ORIGINATING

DEPT. NO.: 444

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

Amount \$ _____ Funds _____
Purpose _____

Date _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

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

Not to Exceed \$ 244,548.00

Vendor Phoebe Hearst Elementary School Foundation

Purpose To authorize the expenditure of funds for Partial Assignment of Joint Use Agreement with the vendor. This is the 2nd amendment.

Date January 22, 2002

By: _____

[Signature]
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	30245	30244	105	4279	295310				\$95,000.00
002	0	10365	10365	2444	4222	020726				\$22,000.00
003	0	63022			9544					\$87,548.00
004	0	11370			9544					\$1,579.00
005	0	79506			9544					\$38,421.00
TOTAL AMOUNT										\$244,548.00

FUND OVERRIDE

R · 296038

FEB 05 2002