

298144

RESOLUTION NUMBER R-_____

ADOPTED ON JUN 30 2003

WHEREAS, the State of California, Department of Transportation [CalTrans], has \$300,000 in TEA-21 grant funds and \$36,000 in Local Minor-B grant funds available for the design and installation of an artwork on the retaining walls along the Martin Luther King Jr. Freeway [the Project]; and,

WHEREAS, the artwork will commemorate Dr. Martin Luther King Jr., for whom State Route 94 has been named; and

WHEREAS, the City has agreed to manage and administer the Project, which shall include the selection of the artist, design of the artwork, preparation and coordination of the plans, fabrication of the artwork, installation of the artwork, and inspection of the artwork upon completion; and

WHEREAS, CalTrans will provide Project assistance to assure that state and federal guidelines are met; and

WHEREAS, CalTrans will transfer \$300,000 in federal TEA-21 grant funds and \$36,000 in local Minor-B grant funds to the City through separate cooperative agreements to fund the Project in its entirety; NOW, THEREFORE,

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

1. That the City Manager, or designee, is authorized to submit applications to CalTrans for a federal TEA-21 grant and a local Minor-B grant for the Project.
2. That the City Manager, or designee, is authorized to take all necessary steps to secure the grant funds from CalTrans to provide funds for the Project.
3. That the City Manager, or designee, is authorized and empowered to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, and payment requests, and administer the grant funds as necessary for the completion of the Project.
4. That the City Manager is authorized and empowered to negotiate and execute, for and on behalf of the City, cooperative agreements with CalTrans for the installation of artwork on the retaining walls along the Martin Luther King Jr. Freeway.
5. That the Auditor and Comptroller is authorized to establish special funds for the TEA-21 grant funds (Fund No. _____) and the Local Minor-B grant funds (Fund No. _____).
6. That the City Manager is authorized to accept \$300,000 in federal TEA-21 grant funds, and \$36,000 in local Minor-B grant funds, contingent upon the receipt of fully executed cooperative agreements.
7. That the Fiscal Year 2003 Capital Improvements Program is hereby amended by adding CIP No. 52-726.0, Martin Luther King Jr. Freeway Artwork Installation.
8. That the Fiscal Year 2003 Capital Improvements Program Budget is amended by increasing CIP No. 52-726.0, Martin Luther King Jr. Freeway Artwork Installation, by an amount not to exceed \$336,000, contingent upon receipt of the \$300,000 in federal TEA-21 grant funds and \$36,000 in local Minor-B grant funds.

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9. That the appropriation of an amount not to exceed \$336,000 in federal TEA-21 and local Minor-B funds from the newly established funds in CIP 52-726.0, for the Project, is authorized, contingent upon the receipt of fully executed cooperative agreements.

10. That the expenditure of an amount not to exceed \$336,000 from CIP 52-726.0, Martin Luther King Jr. Freeway Artwork Installation, is authorized solely and exclusively, for the purpose of providing funds for the Project, contingent upon receipt of fully executed cooperative agreements, and provided that the City Auditor and Comptroller first furnishes a certificate certifying that funds are, or will be, on deposit with the City Treasurer.

APPROVED: CASEY GWINN, City Attorney

By Eric A. Swenson
Eric A. Swenson
Deputy City Attorney

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Or.Dept:E&CP
Aud.Cert: n/a
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