

RESOLUTION NUMBER R- 298894

ADOPTED ON FEB 09 2004

A RESOLUTION AUTHORIZING AN AGREEMENT WITH
ECHO PACIFIC CONSTRUCTION FOR THE CONSTRUCTION OF
THE OTAY MESA/NESTOR BRANCH LIBRARY

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is authorized to execute a construction contract with the lowest responsible and reliable bidder, for an amount not to exceed \$3,600,351, for the construction of the Otay Mesa/Nestor Branch Library, CIP No. 35-087.0, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR 298683, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to transfer an amount not to exceed \$1,000,000 from CIP No. 35-100.00, Ocean Beach Branch Library, Interim Fund No. 102216, Main Library Funds, and \$500,000 from CIP No. 35-0880.0, San Carlos Branch Library, to CIP No. 35-087.0, Otay Mesa/Nestor Branch Library.

BE IT FURTHER RESOLVED, that the additional expenditure of an amount not to exceed \$1,500,000 from CIP No. 35-087.0, Otay Mesa/Nestor Branch Library is authorized, for the purpose of providing funds for the above referenced Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the City Manager is authorized to replenish the transferred funds: \$750,000 into CIP No. 35-100.0, Ocean Beach Branch Library when the HUD 108 loan is received; and \$250,000 into CIP No. 35-100.0, Ocean Beach Branch Library and \$500,000 into CIP No. 35-088.0, San Carlos Branch Library, when the first library bond issuance occurs.

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to apply to the Department of Housing and Urban Development for a HUD Section 108 loan of \$750,000 for the Otay Mesa/Nestor Branch Library and set forth the legal authority and certifications necessary for such an application.

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to accept such funds; expend such funds contingent on receipt of an Auditor's Certificate to do so; conduct all negotiations related to the loan; and execute and submit all documents related to the processing of such a loan.

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to use District Eight's future CDBG entitlement grants to make loan repayments over 20 years.

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to amend the 2004 CDBG Action Plan to include the use of HUD 108 funds for the Otay Mesa/Nestor Branch Library project.

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to pledge the City's future annual CDBG entitlement grants as additional security and the Otay Mesa/Nestor Branch Library as collateral for the HUD loan.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

APPROVED: CASEY GWINN, City Attorney

By



Susan Y. Cola
Deputy City Attorney

SYC:sc

01/30/04

Aud.Cert.: 2400758

Orig.Dept: E&CP

R-2004-826

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2400758

ORIGINATING DEPT. NO.: 545

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: \$1,500,000.00 Fund: 102216

Purpose: Authorizing the transfer of 1,000,000 from CIP 351000, Ocean Beach Branch Library and 500,000 from CIP 350880, San Carlos Branch Library to CIP 350870, Otay Nestor Library. The transfer is necessary to facilitate construction

Date: January 30, 2004

By: *Naathie Beggan*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
01	0	30244	30244	106	4279	351000		102216		\$1,000,000.00
02	0	30244	30244	106	4279	350880		102216		500,000.00
TOTAL AMOUNT										\$1,500,000.00

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.

Amount: \$3,600,351.00

Vendor: Echo Pacific Construction

Purpose: Authorizing the expenditure for the purpose of the construction contract for the building of the Otay Nestor Library.

Date: January 30, 2004

By: *Naathie Beggan*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
03	0	30244	30244	106	4279	350870				\$3,600,351.00
TOTAL AMOUNT										\$3,600,351.00

FUND OVERRIDE

AC 2400758

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