

RESOLUTION NUMBER R- 299549

ADOPTED ON AUG 10 2004

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AWARD OF PUBLIC WORKS CONTRACT AND ADDITIONAL EXPENDITURE OF FUNDS; AND TAKING RELATED ACTIONS PERTAINING TO AWARDED A CONSTRUCTION CONTRACT FOR RANCHO PENASQUITOS SKATE PARK AND TO PROVIDE FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE HILLTOP COMMUNITY PARK.

WHEREAS, Rancho Penasquitos Skate Park, located between Carmel Mountain Road and Highway 56, is to be constructed, which will include a 20,000 square-foot skate park with wood and concrete structures, enhanced concrete paving, site grading, site utilities, security lighting, check-in/comfort station building, drinking fountain, drop-off area with disabled accessible parking spaces, security fence, landscaping, irrigation system, picnic tables, and signage [Project];

WHEREAS, under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, the State of California [SOC] awards grants to local public agencies for the funding of construction and development of parks [Grant Program]; and

WHEREAS, the City desires to apply for the grant pursuant to the Grant Program [Grant] to provide for the construction of improvements to the Hilltop Community Park [Hilltop]; and

WHEREAS, on September 23, 2003, by Resolution Number R-298422, the City Council authorized the award and expenditure of funds for the construction of Rancho Penasquitos Skate Park; and

WHEREAS, the Project was advertised and the apparent lowest responsible and reliable bid for the Project was higher than the Engineer's estimate; and

WHEREAS, the City Manager or designee has determined that re-advertising the Project is unlikely to result in lower bids; and

WHEREAS, additional funds are needed for expenditure on the Project; NOW,
THEREFORE,

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

1. That the City Manager is authorized to award the Project contract to 3-D Enterprises, Inc., in an amount not to exceed \$1,505,990, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

2. That the City Manager is authorized to amend the FY 2004 Rancho Penasquitos Public Facilities Financing Plan by requesting the following:
 - (a) increase of appropriations for the Rancho Penasquitos Skate Park, CIP No. 29-516.0 by \$1,111,000;
 - (b) reduction of appropriations for the Hilltop Community Park Development, CIP No. 29-282.1 by \$530,000;
 - (c) reduction of appropriations for the Rancho Penasquitos Playground Upgrades, CIP No. 29-864.0 by \$300,000;
 - (d) reduction of appropriations for the Canyonside Drainage project, CIP No. 29-573.0 by \$100,000; and

- (e) allocation of \$181,000 from the Rancho Penasquitos fund balance to the Rancho Penasquitos Skate Park, CIP No. 29-516.0.
3. That the City Manager is also authorized to:
- (a) take all necessary actions to secure the Grant and to negotiate and execute all agreements necessary to comply with the SOC's grant requirements;
 - (b) accept the Grant if it is secured; and
 - (c) apply to the SOC for the Grant for Hilltop.
4. That the City Auditor and Comptroller is authorized to:
- (a) transfer \$300,000 from CIP No. 29-864.0, Rancho Penasquitos Parks – Playground Upgrades, to CIP No. 29-516.0, Rancho Penasquitos Skate Park, Fund No. 79004, Rancho Penasquitos Facilities Benefits Assessment [FBA];
 - (b) transfer \$100,000 from CIP No. 29-573.0, Canyonside Drainage to CIP No. 29-516.0, Rancho Penasquitos Skate Park, Fund No. 79004, Rancho Penasquitos FBA;
 - (c) transfer \$530,000 from CIP No. 29-282.1, Hilltop Community Park – Development, to CIP No. 29-516.0, Rancho Penasquitos Skate Park, Fund No. 79004, Rancho Penasquitos FBA;
 - (d) increase by \$181,000 the Fiscal Year 2005 Capital Improvements Program Budget in CIP No. 29-516.0, Rancho Penasquitos Skate Park, Fund No. 79004, Rancho Penasquitos FBA;

- (e) increase by \$150,000 the Fiscal Year 2005 Capital Improvements Program Budget in CIP No. 29-516.0, Rancho Penasquitos Skate Park, Fund No. 12000, Building Permit Fees;
- (f) increase by \$69,000 the Fiscal Year 2005 Capital Improvements Program Budget in CIP No. 29-516.0, Rancho Penasquitos Skate Park, Fund No. 11140, Park Service District Fees;
- (g) appropriate and expend an amount not to exceed \$1,505,990 from the following: \$1,286,990 from CIP No. 29-516.0, Rancho Penasquitos Skate Park, Fund No. 79004, Rancho Penasquitos FBA; \$69,000 from Fund No. 11140, Park Service District; and \$150,000 from Fund No. 12000, Building Permit Fees, for the purpose of providing funds for the above-referenced Project;
- (h) upon advice from the administering department, transfer excess funds, if any, to the appropriate reserves;
- (i) establish a special interest-bearing fund for the Grant;
- (j) that upon receipt of a fully executed grant agreement, an increase in the FY2005 Capital Improvement Program Budget by \$70,000 in CIP No. 29-282.1, Hilltop Community Park - Development, is authorized; and

- (k) appropriate and expend an amount not to exceed \$600,000 from CIP No. 29-282.1, Hilltop Community Park – Development, upon receipt of a fully-executed grant agreement.

APPROVED: CASEY GWINN, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:cdk:cfq
07/21/04
07/29/04 COR. COPY
Or.Dept: Pk. & Rec.
A/C 2500084
R-2005-120

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

AC 2500084

DEPT. NO.: 446

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: \$150,000.00 Fund: 79004/12000/11140

Purpose: Authorizing the increase, transfer, appropriation and expenditure of funds for Rancho Penasquitos Skate Park, CIP 295160.

Date: July 26, 2004

By: Yeshi Bezuneh
Yeshi Bezuneh
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 | 30244 | 30244 | 105 | 4279 | 292821 | | 79004 | | \$530,000.00 |
| 002 | 0 | 30244 | 30244 | 105 | 4279 | 298640 | | 79004 | | 300,000.00 |
| 003 | 0 | 30244 | 30244 | 105 | 4279 | 295730 | | 79004 | | 100,000.00 |
| 004 | 0 | 79004 | | | 9544 | | | | | 181,000.00 |
| 005 | 0 | 12000 | | | 9544 | | | | | 150,000.00 |
| 006 | 0 | 11140 | | | 9544 | | | | | 69,000.00 |
| TOTAL AMOUNT | | | | | | | | | | \$1,330,000.00 |

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.

Not to Exceed: _____

Vendor: _____

Purpose: _____

Date: _____

By: _____
AUDITOR AND COMPTROLLER'S DEPARTMENT

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

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2500084

R-299549

AUG 10 2004