(R-2008-638)

RESOLUTION NUMBER R- 303475

DATE OF FINAL PASSAGE MAR 1 4 2008

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE TRANSFER OF FUNDS FOR THE LOGAN HEIGHTS BRANCH LIBRARY.

WHEREAS, the Logan Heights Branch Library [Project] will provide a 25,000 sq. ft. library to serve the Logan Heights Community; and

WHEREAS, the San Diego City Council [Council] has previously approved actions necessary for this Project; and

WHEREAS, the previous Council actions authorized expenditures for this Project in the amount of \$12,592,724 for design, construction and project related expenses (Document Nos.

R-295242, R-297961, R-299708, and R-300992); and

WHEREAS, the Council action on May 20, 2003 (R-297961) authorized a HUD 108 loan

application in the amount of \$353,000; and

WHEREAS, HUD now requires collateral in the form of property to secure this loan amount for this Project; and

WHEREAS, while the City of San Diego [City] does not own the Logan Heights property, an alternative location has been found within District 8; the Otay Mesa/Nestor Library which can be collateralized to secure this loan; and

WHEREAS, the First Five Commission of San Diego entered into an agreement with the City to give \$4,000,000 to the City, from which the City allocated \$1,000,000 each to the Logan Heights Library, the College/Rolando Library, the Serra Mesa/Kearny Mesa Library, and the Skyline Hills Library (R-299708); and

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WHEREAS, the construction of the College Rolando Library was already underway when the City received the First Five money, leaving many expenses ineligible for First Five funding due to the First Five Commission funding restrictions; and

WHEREAS, the funds that were ineligible for expenditure on the College/Rolando Library can now be transferred to and used at the Logan Heights Library; and

WHEREAS, the First Five Commission of San Diego is aware of this proposed transfer and has agreed to allow the funds to be transferred to and used by the Logan Heights Library; NOW THEREFORE,

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

1. That the re-appropriation of \$509,679 in Fund 38030, First Five Grant Fund from CIP No. 35-071.0, College Heights Branch Library, to CIP No. 35-101.0, Logan Heights Branch Library is authorized.

2. That the expenditure of an amount not to exceed \$509,679 in Fund 38030, First 5 Grant Fund, for the Fiscal Year 2008 Program Budget in CIP No. 35-101.0, Logan Heights Branch Library, is authorized solely and exclusively to provide funds for Project related expenses, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

3. That the Mayor or his designee is authorized to amend the deed of trust in HUD's favor on the Otay Mesa/Nestor Library, located at 3003 Coronado Avenue, San Diego, California, to secure the loan amount of \$353,000 for the Logan Heights Branch Library.

4. That the City Auditor and Comptroller is authorized on advice of the administering department, to transfer excess funds, if any, to the appropriate reserves.

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5. That this activity is not subject to the California Environmental Quality Act [CEQA] pursuant to CEQA Guidelines section 15378(c). This activity is a subsequent discretionary approval adequately covered under the Finding of No Significant Impact/Negative Declaration No. 42-0267 (Logan Heights Branch Library). The activity is adequately addressed in the environmental document and there are no changes in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines section 15162.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Christina Bellows Deputy City Attorney

CB:sc:mb 02/11/08 Aud.Cert:2800521 Or.Dept:E&CP R-2008-638

S. 199

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of MAR 1 1 2008

ELIZABETH S. MALAND, City Clerk

Deputy City Clerk

Approved:

(date)

JERRY SANDERS, Mayor

Vetoed:

(date)

JERRY SANDERS, Mayor

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R-303475

The City of San Diego									
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER									

CERTIFICATE OF UNALLOTTED BALANCE 2800521 AC 545 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: \$509,679.00 Fund: 38030 To authorize the transfer of funds from CIP 35-071.0, College Heights Branch Library to CIP 35-101.0, Logan Purpose: Heights Branch Library for Phase II of the Logan Heights Library Project. Date: February 8, 2008 ACCOUNTING DATA ACCTG CY OPERATION LINE BENF/ FUND DEPT JOB ORDER EQUIP PY ORG ACCOUNT ACCOUNT FACILITY AMOUNT 0 38030 \$509,679.00 30244 30244 4279 350710 106 1

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: \$165,000.00

Vendor: Martinez & Cutri Corporation

Purpose: Authorizing the Mayor or designee to execute a Second Amendment to the Agreement with Martinez & Cutri Corporation for professional design services for Capital Improvement Project 35-101.0, Logan Heights Branch Library Phase II Project,

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TOTAL AMOUNT

February 8, 2008

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ACCOUNTING DATA											
ACCTG.	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/	EQUIP	FACILITY	AMOUNT
2	0	18522	18522		4279	351010					165,000.00
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TOTAL										\$165,000.00	
AC-361 (REV 2-92)										FUND OVERRIDE	

R. 303475

MAR 1 1 2008

AC 2800521