

RESOLUTION NUMBER R-305941

DATE OF FINAL PASSAGE JUL 01 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO
AUTHORIZING CONSTRUCTION OF THE NEW CENTRAL
LIBRARY PROJECT AND TAKING RELATED ACTIONS TO
SECURE FUNDING FOR THE NEW CENTRAL LIBRARY
PROJECT.

WHEREAS, Turner Construction Company (Turner) has been providing pre-construction services to the City for the New Central Library Project (Project); and

WHEREAS, Turner has solicited bids and prepared a Guaranteed Maximum Price proposal of \$153,000,000 for construction of the Project pursuant to the City’s Construction Manager at Risk Ordinance (Municipal Code §§ 22.3801-22.3812); NOW, THEREFORE,

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

1. That the Mayor or his designee is authorized to execute, for and on behalf of the City, a Cooperation Agreement with the Redevelopment Agency of the City of San Diego (Agency), on file in the Office of the City Clerk as Document No. RR-305941-1, and to take any other necessary actions to apply for and secure funding from the Agency in the amount of \$62,930,000 for construction of the Project and related costs.

2. That the Chief Financial Officer is authorized to accept up to \$62,930,000 from the Agency and to deposit said funds as follows: \$20,830,000.24 into special interest-bearing Fund No. 200629, CC Contribution to City of San Diego – TE 2004A Bond, and \$42,099,999.76 into Fund No. 200633, CC Contribution to City.

3. That the Mayor or his designee is authorized to accept \$20,000,000 from the San Diego Unified School District (SDUSD) pursuant to the New Central Library Lease Agreement, on file

in the Office of the City Clerk as Document No. RR-305763, and to deposit said funds into SDUSD Fund No. 400003 for construction of the Project and related costs.

4. That the City Comptroller is authorized to create a new special fund entitled the New Central Library Contribution Fund.

5. That the Mayor or his designee is authorized to negotiate and execute one or more agreements, for and on behalf of the City, to accept private donations for the Project in a cumulative amount estimated to be \$63,282,092, and to deposit said funds into the New Central Library Contribution Fund.

6. That the Mayor or his designee is authorized to accept \$20,000,000 in State Library Grant Funds pursuant to the Grant Agreement with the California State Library, Grant Award No. 2057, and to deposit said funds into State Grant Fund No. 600001 for construction of the Project and related costs.

7. That the Mayor or his designee is authorized to execute, for and on behalf of the City, a phase-funded agreement with Turner for construction of the Project in the amount of \$153,000,000 and under the terms and conditions set forth in the Construction Manager at Risk Agreement, on file with the City Clerk as Document No. RR-305941-2, provided that the City Comptroller first issues one or more certificates demonstrating the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer for each phase of construction as follows:

Phase 1: \$127,931,121.00

Phase 2: \$ 25,068,879.00

8. That the Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$166,212,092 from CIP S-00799 San Diego Central Library (consisting of

\$62,930,000 in Agency funds, \$20,000,000 from SDUSD, \$20,000,000 in State Library Grant funds, and \$63,282,092 in anticipated private donations), solely and exclusively to provide funds for construction of the Project, consultants and related costs, contingent on receipt of a fully executed Cooperation Agreement with the Agency, contingent on receipt of one or more fully executed agreements to accept sufficient private donations for each phase of the Project, and provided that the City Comptroller first issues one or more certificates demonstrating the funds necessary for expenditure are, or will be, on deposit with the City Treasurer for each phase of the Project as follows:

Phase 1: \$133,700,000.00

Phase 2: \$ 32,512,092.00

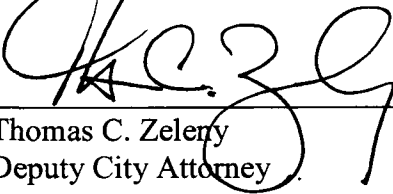
9. That the Mayor or his designee is authorized to purchase an Owners Protective Professional Indemnity insurance policy under the City's California State Association of Counties - Excess Insurance Authority (CSAC-EIA) for construction of the Project, for a cost of \$182,825.00, provided that the City Comptroller first issues one or more certificates demonstrating the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

10. That the Library Foundation is requested to provide quarterly reports to the City Council regarding its fundraising efforts.

11. That the Mayor's Office is requested to provide periodic reports to the City Council about alternative funding sources as recommended in IBA Report No. 10-56.

APPROVED: JANI. GOLDSMITH, City Attorney

By



Thomas C. Zeleny
Deputy City Attorney