

#103
11/27

RESOLUTION NUMBER R- 307853

DATE OF FINAL PASSAGE NOV 27 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO TO PROVIDE NEW STATE OF THE ART AUDIO-VISUAL IMPROVEMENTS FOR THE NEW CENTRAL LIBRARY AND AUDITORIUM; TO ACCEPT REIMBURSEMENT FROM SAN DIEGO UNIFIED SCHOOL DISTRICT AND SAN DIEGO GAS & ELECTRIC COMPANY FOR PROJECT RELATED EXPENSES; TO TRANSFER LIBRARY IMPROVEMENT TRUST FUND MONEY TO THE PROJECT TO REDUCE THE SAN DIEGO LIBRARY FOUNDATION CONTRIBUTION REQUIREMENT.

WHEREAS, construction of the New Central Library (Project), located between Park Boulevard, 11th Avenue and J Street began on August 1, 2010; and

WHEREAS, the nine story library Project provides numerous public amenities including public meeting rooms, terraces, roof gardens, public computers, broadband wireless internet, children's library, teen center, auditorium, special events room, art gallery, café, underground parking and separate auditorium and café; and

WHEREAS, the Library Department and City TV wish to provide additional state of the art audio visual amenities for the library and auditorium and identified additional funding (\$1,000,000) in Fund 200595 that will be appropriated into the Project this purpose; and

WHEREAS, these Audio-visual funds will be used to build a public, education and government access channel facility inside the new main library that will create and air programs on cable channels 19 (education), 23 (public access), and 24 (City TV, government access); and

WHEREAS, on April 19, 2010 the City Council approved a Lease Agreement with San Diego Unified School District (SDUSD) for the lease of the 6th and 7th floors to operate a charter school; and

WHEREAS, on June 28, 2010, the City Council approved R-305943 that authorized an additional expenditure of up to \$500,000 and increase to the New Central Library Capital Improvement Project (CIP) budget for SDUSD required architectural changes to the Project; and

WHEREAS, the original authorized amount of not-to-exceed \$500,000 was fully expended and SDUSD subsequently desires to make additional changes in an amount not to exceed \$250,000 for the new Downtown Charter High School scheduled to open 2013; and

WHEREAS, on December 10, 2003, the City of San Diego granted San Diego Gas and Electric Company (SDG&E) an Emergency Access and Maintenance Easement for an underground 69 KV line in concrete encasement running east-west in the vacated K Street public right-of-way between 11th and 12th Avenues; and

WHEREAS, during construction of the Auditorium, it was discovered that the 69 KV line is adjacent to the auditorium footings and in order to facilitate future maintenance and possible relocation of their transmission line, SDG&E requests the City install six new concrete encased conduits 10 feet north of the existing 69 KV line within their easement; and

WHEREAS, SDG&E agrees to reimburse the City for the extra work for an estimated amount not to exceed \$200,000; and

WHEREAS, in November 2003 (R-298602), the Hervey Family deposited \$750,000 into Fund 200369, Library Improvement Trust Fund, for the purpose of Library Construction; and

WHEREAS, the Hervey Family requests that the \$750,000 donation be appropriated to the San Diego New Central Library Project for library construction, thereby reducing the San Diego Library Foundation contribution requirement; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Chief Financial Officer (CFO) is authorized to increase the Fiscal Year 2013 Capital Improvements Program Budget in an amount not to exceed \$1,450,000 in CIP S-00799, San Diego New Central Library; \$200,000 in Fund No. 400264, Private and Others Contributions – CIP, \$250,000 in Fund 400003, San Diego Unified School District (SDUSD) and \$1,000,000 in Fund No. 200595, PEG fee (City TV); and

BE IT FURTHER RESOLVED, the CFO is authorized to appropriate and expend \$1,000,000, from Fund 200595, PEG fee (City TV), to CIP S-00799, San Diego New Central Library, for the purpose of providing audio visual improvement design and construction for the New Central Library and Auditorium, contingent upon the City Comptroller first certifying that funds are available, or will be, on deposit with the City Treasurer; and

BE IT FURTHER RESOLVED, that the CFO is authorized to accept, appropriate and expend up to \$250,000 in CIP S-00799, San Diego New Central Library, Fund No. 400003, SDUSD, for the reimbursement of the SDUSD required architectural modifications, contingent upon the City Comptroller first certifying that funds are, or will be, on deposit with the City Treasurer, and

BE IT FURTHER RESOLVED, that the CFO is authorized to accept, appropriate and expend up to \$200,000 in CIP S-00799, San Diego New Central Library Fund No. 400264, Private & Others Contribution-CIP, for the reimbursement of SDG&E required infrastructure, contingent upon the City Comptroller first certifying that funds are, or will be, on deposit with the City Treasurer; and


BE IT FURTHER RESOLVED, that the Mayor or his designee is authorized to execute a Change Order to the Construction Manager at Risk Agreement with Turner Construction

Company for Construction Services for the New Central Library in the amount of \$950,000 for the purposes of audio visual improvement design and construction for the library and auditorium, contingent upon the City Comptroller first certifying that funds are, or will be, on deposit with the City Treasurer; and

BE IT FURTHER RESOLVED, that the CFO is authorized to appropriate and expend \$750,000 in Fund 200369, Library Improvement Trust Fund, to CIP S-00799, San Diego New Central Library, for the purpose of completing the construction of the New Central Library and reducing the San Diego Library Foundation contribution requirement, contingent upon the City Comptroller first certifying that funds are, or will be, on deposit with the City Treasurer; and

BE IT FURTHER RESOLVED, that the CFO is authorized to de-appropriate \$750,000, Fund 400693, New Central Library Contributions, from CIP S-00799, San Diego New Central Library, for the purpose of reducing the San Diego Library Foundation contribution requirement per the terms of the Contribution Agreement.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Christina L. Rae
Deputy City Attorney

CLR:cla
November 5, 2012
cc: 3000005689
Or.Dept: Public Utilities/Engineering-AEP
Doc. No. 467712

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 11/27/12.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11.27.12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000005689
 DEPT. NO.: 2112

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: \$2,500,000.00 Fund: 200595, 200369, 400693

Purpose: To authorize the appropriation of PEG fee funds to the San Diego New Central Library Project for the purpose of funding Audio-Visual Improvements. To authorize the deappropriation of Foundation Phase 2 Grant funds from the San Diego New Central Library Project. To further authorize the transfer of appropriations earmarked for the Skyline Library to the New Central Library.

Date: November 2, 2012 By: Caryn McGriff
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	200595	non-program		OTHR-00000000-GG	512059	9913	9913000011		\$1,000,000.00
002	200369	13000224	13000224	OTHR-00000000-CL	512117	1713	1713000001		\$750,000.00
003	400693	S00799		OTHR-00000000-CL	512117	1713	1713110014	S-00799.08	\$750,000.00
TOTAL AMOUNT									\$2,500,000.00

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.

Not to Exceed: _____

Vendor: _____

Purpose: _____

Date: November 2, 2012 By: _____
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001									
TOTAL AMOUNT									

FUND OVERRIDE
 CC 3000005689