

RESOLUTION NUMBER R- 299176

ADOPTED ON MAY 10 2004

A RESOLUTION APPROVING OF THE PLANS AND SPECIFICATION FOR CONSTRUCTION OF EL CUERVO NORTE WETLAND MITIGATION PROJECT, CIP 52-463.0, AWARD OF PUBLIC WORKS CONTRACT, AND TAKING RELATED ACTIONS.

WHEREAS, the El Cuervo Norte Wetland Mitigation Project is located in the Los Penasquitos Canyon Preserve and will provide a total of 23 acres of wetland mitigation; and

WHEREAS, the El Cuervo Norte Wetland Mitigation Project is required in order to mitigate the impacts to jurisdictional wetlands due to the construction of State Route 56; and

WHEREAS, the environmental regulatory agencies agreed with the timing of commencing the construction of the El Cuervo Norte Wetland Mitigation Project in 2004 while Phases 1 and 2 of State Route 56 started construction prior to 2004; and

WHEREAS, the El Cuervo Norte Wetland Mitigation Project will also be creating additional wetland mitigation which allow the following projects to mitigate their project impacts at the same site:

1. Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway (CIP 52-676.0),
2. Camino Del Sur - Carmel Mountain Road to 1,600 feet north of Park Village (CIP No. 52-653.0),
3. Canyon Sewer Access projects within the Los Penasquitos Watershed,
4. Nobel Athletic Area - Development (CIP No. 29-718.0); and

5. Carmel Valley Trunk Sewer System (CIP No. 46-136.0).

WHEREAS, the costs for the FBA Funded projects will be reflected in the Public Facilities Financing Plans for the respective project, and cost contribution percentages are as follows:

1. Mira Sorrento Place: 10.43%,
2. Camino del Sur: .39%, and
3. Nobel Athletic Area Development: .88%.

WHEREAS, on May 22, 2001, the San Diego City Council adopted Resolution No. R-294876, authorizing the expenditure of funds for the mitigation costs related to the construction of the State Route 56; NOW THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego is hereby authorized to approve the plans and specifications for the construction of El Cuervo Norte Wetland Mitigation Project, CIP 52-463.0 [Project], as advertised by Contract Services, on file in the office of the City Clerk as Document No W.O. 524636

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to execute a construction contract with the lowest responsible and reliable bidder for construction of the Project upon certification by the City Auditor and Comptroller.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to execute, for and on behalf of the City, an Agreement with Dudek & Associates, Inc. to provide Professional Services to the City for biological monitoring for the Project, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR- 299176 together with any reasonably necessary modifications or amendments

thereto which do not increase Agreement cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of the Agreement.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to accept up to \$1,493,000 from the San Diego Association of Governments, Fund 38961, for the sole and exclusive purpose of funding costs associated with the construction of the Project.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to transfer amounts not to exceed \$484,777 from CIP 52-676.0, Fund 79006, \$18,127 from CIP 52-653.0, Fund 79004, \$288,635 from Fund 41506, \$40,902 from CIP 29-718.0, Fund 79001 to CIP 52-463.0.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to transfer an amount not exceed \$198,001 from CIP 46-193.0, Fund 41506, Annual Allocation – Muni Pooled Contingency, to CIP 46-136.0, Fund 41506, Carmel Valley Trunk Sewer (East of I-5).

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to increase the FY 2004 Capital Improvement Budget in CIP No. 52-463.0 in the amount of \$2,325,441 from Funds 38961, 79006, 79004, 41506 and 79001.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to appropriate and expend an amount not to exceed \$2,325,441 for the sole and exclusive purpose of providing funds for the Project and related costs, from CIP 52-463.0, State Route 56 – Carmel Valley Road to Black Mountain Road, of which \$832,441 is from Funds

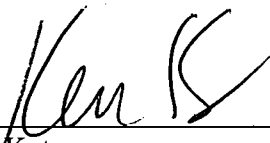
79006, 79004, 41506, and 79001; and which \$1,493,000 is from Fund 38961, contingent upon receipt of funds from the San Diego Association of Governments

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to appropriate and expend an amount not to exceed \$198,001 for the sole and exclusive purpose of providing funds for the Project, from CIP 46-136.0, Fund 41506, Carmel Valley Trunk Sewer (East of I-5).

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

APPROVED: CASEY GWINN, City Attorney

By



Keri Katz
Head Deputy City Attorney

KK:km
4/23/04
Or.Dept: E&CP
R-2004-1143

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 2401034

ORIGINATING

DEPT. NO.: 547

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: \$832,441.00 Fund: 41506 / 79001 / 79004 / 79006

Purpose: Authorizing the expenditure of funds for El Cuervo Norte Wetland Mitigation requirements related to SR-56.

Date: April 23, 2004

By:  **AUDITOR AND COMPROLLER'S DEPARTMENT**

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0		30244	107	4279	526760		79006		\$484,777.00
2	0		30244	107	4279	526530		79004		18,127.00
3	0		776	722	4222	764057				288,635.00
4	0		30244	106	4279	297180		79001		40,902.00
5	0		773	960	4278	461930				198,001.00
TOTAL AMOUNT										\$1,030,442.00

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 COMPROLLER'S DEPARTMENT**

ACCOUNTING DATA

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

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2401034

R- 299176

MAY 10 2004