

100

RESOLUTION NUMBER R- 302662

5/22

DATE OF FINAL PASSAGE MAY 30 2007

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR IMPLEMENTATION OF CHOLLAS CREEK WATER QUALITY PROTECTION & HABITAT ENHANCEMENT PROJECT; AND RELATED ACTIONS

WHEREAS; The City of San Diego [City] received a \$2,244,000.00 State Proposition 13 Grant, of which \$1,565,500.00 was designated for improvements to Chollas Creek and related water quality education and monitoring (RR-299303, June 7, 2004) to help address the requirements of the Regional Water Quality Control Board's Municipal Storm Water Permit and to implement a portion of the Chollas Creek Enhancement Program adopted by the City Council on May 14, 2002; and

WHEREAS; In May 2006, the City completed a public advertisement for the Chollas Creek Water Quality Protection & Habitat Enhancement Project [Project] and the lowest bid received exceeded the City's funding available for the project; and

WHEREAS; Diamond Contractors, LLC, a subsidiary of the Jacobs Center for Neighborhood Innovation, a California Non-Profit, offered to construct the Project according to the plans and specifications and accept the responsibility for paying for any costs beyond the City's available funding pursuant to an agreement with the City; NOW, THEREFORE,

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

1. That the Mayor or his designee is hereby authorized to execute an agreement with Diamond Contractors, LLC, a subsidiary of Jacobs Center for Neighborhood Innovation, for the joint funding and construction of the Chollas Creek Water Quality Protection & Habitat

Enhancement Project improvements [Agreement], to be performed by a licensed contractor to be retained by Diamond Contractors, LLC; and

2. That the City Auditor and Comptroller is hereby authorized to transfer an amount not to exceed \$69,500.00 from 100/General Fund to Fund 630221, Contribution from 100/General Fund; and

3. That an increase of \$69,500.00 in the Fiscal Year 07 Capital Improvement Program Budget in CIP 32-054.0, Chollas Creek Enhancement Project, Fund 630221, Contribution from 100/General Fund is hereby authorized; and

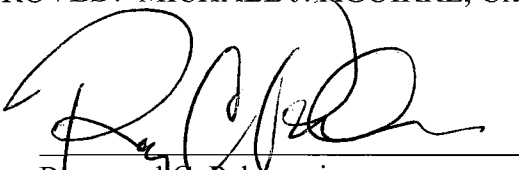
4. That the expenditure of an amount not to exceed \$1,565,500.00 is hereby authorized, solely and exclusively for the purpose of providing funds for the above Agreement, consisting of the previously authorized funds of \$1,396,000.00 from Prop 13 State Grant CIP Fund 30244, CIP No. 32-054.0, Chollas Creek Enhancement, \$100,000.00 from Sewer Fund 41506, CIP No. 40-933.0, Annual Allocation, MWWD Trunk Sewers and \$69,500.00 from CIP 32-054.0, Chollas Creek Enhancement Project, 630221 Fund, Contribution from 100/General Fund, provided the City Auditor first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer; and

5. That the Mayor or his designee is hereby authorized to execute a General Utility, Public Access and Drainage Easements and an Agreement for Trail Maintenance and Covenant Running with the Land with Youth Park, LLC, a California Limited Liability Company; and a Public Access and Drainage Easements and an Agreement for Trail Maintenance and Covenant Running with the Land with MBJ Partners, LLC, a California Limited Liability Company; and

6. That the City Auditor and Comptroller, upon advice from the administering department, is hereby authorized to transfer excess funds, if any, to the appropriate reserves; and

7. That this activity is covered under Mitigated Negative Declaration No. 59312, adopted February 23, 2006, by Resolution No. 301240. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. As the prior environmental document adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of review under the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15060(c)(3).


APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Raymond C. Palmucci
Deputy City Attorney

RCP:js
05/10/2007
Or.Dept: Gen. Svcs.
Aud. Cert. _____
R-2007-1096

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 22 2007.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5.30.07
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

