

RESOLUTION NUMBER R- 302921

DATE OF FINAL PASSAGE AUG 03 2007

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO
AUTHORIZING THE EXECUTION OF AGREEMENTS FOR THE FISCAL
YEAR 2008 COMMUNITY PARKING DISTRICT PROGRAM AND THE
EXPENDITURE OF FUNDS.

WHEREAS, on July 17, 2007, the City Council Adopted Resolution No. R-302851, in
which the City Council, among other things:

- a) approved the FY 2008 Implementation Plans and Budgets for the Uptown, Mid-City, La Jolla, Old Town, and Pacific Beach Community Parking Districts;
- b) authorized the City Auditor and Comptroller to transfer \$2,276,892 in parking meter revenues from General Fund 100 to the respective Community Parking District [CPD] Funds; and
- c) authorized the City Auditor and Comptroller to appropriate \$3,202,091 and \$831,769 for the operation of the FY 2008 CPD Program in the Uptown and Mid-City Community Parking Districts, as reduced by the City Auditor and Comptroller to reflect any FY 2007 agreement expenditures incurred in FY 2007 not already deducted from each CPD Fund, and as increased or reduced by the City Auditor and Comptroller for year-end adjustments to each CPD Fund to reflect actual parking meter revenues collected in FY 2007.

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 the FY 2008 agreements with the following nonprofit organizations for the operation of the FY 2008 Community Parking District [CPD] Program in the Uptown, Mid-City, La Jolla, Old Town, and Pacific Beach Community Parking Districts, with the modifications set forth in Paragraph 2 below, contingent

upon certification of funds availability by the City Auditor and Comptroller, those agreements being on file with the Office of the City Clerk under the following document numbers:

<u>Nonprofit Organization</u>	<u>CPD</u>	<u>Document No.</u>
Uptown Partnership, Inc.	Uptown	RR- <u>302921-1</u>
El Cajon Blvd. Business Improvement Association	Mid-City	RR- <u>302921-2</u>
Greater Golden Hill Community Development Corporation	Mid-City	RR- <u>302921-3</u>
Univeristy Heights Community Development Corporation	Mid-City	RR- <u>302921-4</u>
Promote La Jolla, Inc.	La Jolla	RR- <u>302921-5</u>
Old Town San Diego Chamber of Commerce	Old Town	RR- <u>302921-6</u>
The Pacific Beach Community Development Corporation dba Discover Pacific Beach	Pacific Beach	RR- <u>302921-7</u>

2. That Section 13.4.1 of the Fiscal Year 2008 agreements with Uptown Partnership, Inc., El Cajon Blvd. Business Improvement Association, Greater Golden Hill Community Development Corporation, and Univeristy Heights Community Development Corporation, and Section 13.3 of the Fiscal Year 2008 agreements with Promote La Jolla, Inc., Old Town San Diego Chamber of Commerce, and The Pacific Beach Community Development Corporation dba Discover Pacific Beach, are modified to read as follows:

The City, at its sole discretion, may immediately terminate this Agreement upon written notice to Contractor (delivered in accordance with the provisions of Article XVII below) if:

- a) Contractor makes material misrepresentations in regard to information furnished to the City pursuant to this Agreement, regardless of whether Contractor had knowledge or intent with respect to the misrepresentation;
- b) Contractor, or any of its officers or directors, engages in conduct that results in Contractor, or any of its officers or directors, being convicted of a felony that materially and adversely affects Contractor's performance of its obligations under this Agreement;
- c) Contractor misappropriates funds;

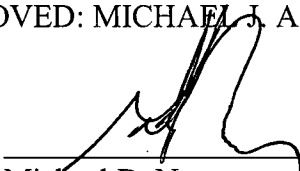
- d) Contractor files a voluntary petition in bankruptcy, is adjudicated bankrupt, or makes a general assignment for the benefit of creditors; and/or
- e) Contractor is unable or unwilling to comply with any additional terms or conditions concerning the Program that may be required by newly enacted (or amended) federal, state, and/or local laws, rules, regulations, and/or other directives.

3. That the City Auditor and Comptroller is authorized to expend \$3,202,091 from the Uptown CPD Fund (Fund No. 70303) for the operation of the FY 2008 CPD Program in the Uptown Community Parking District, as reduced by the City Auditor and Comptroller to reflect any FY 2007 agreement expenditures incurred in FY 2007 not already deducted from Fund No. 70303, and as increased or reduced by the City Auditor and Comptroller for year-end adjustments to Fund No. 70303 to reflect actual parking meter revenues collected in FY 2007, so that the total amount expended does not exceed the sum of the carryover from the FY 2007 agreement for the administration of the Uptown Community Parking District plus the actual parking meter revenues collected within the Uptown Community Parking District in FY 2007.

4. That the City Auditor and Comptroller is authorized to expend \$831,769 from the Mid-City CPD Fund (Fund No. 70304) for the operation of the FY 2008 CPD Program in the Mid-City Community Parking District, as reduced by the City Auditor and Comptroller to reflect any FY 2007 agreement expenditures incurred in FY 2007 not already deducted from Fund No. 70304, and as increased or reduced by the City Auditor and Comptroller for year-end adjustments to Fund No. 70304 to reflect actual parking meter revenues collected in FY 2007, so that the total amount expended does not exceed the sum of the carryover from the FY 2007 agreements for the administration of the Mid-City Community Parking District plus the actual parking meter revenues collected within the Mid-City Community Parking District in FY 2007.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Michael D. Neumeyer
Deputy City Attorney

MDN:nda
07/18/07
08/01/07 REV. COPY
Or.Dept: City Planning & Community Investment
R-2008-80
MMS#5123

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 31 2007.

ELIZABETH S. MALAND
City Clerk

By 

Deputy City Clerk

Approved:

8-3-07
(date)



JERRY SANDERS, Mayor

Vetoed:

(date)

JERRY SANDERS, Mayor