

RESOLUTION NUMBER R- 303361

DATE OF FINAL PASSAGE FEB 08 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE APPLICATION FOR AMENDMENT TO WORKFORCE HOUSING STANDARD AGREEMENT NO. 04-WFH-052 WITH THE STATE OF CALIFORNIA AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A SOLE SOURCE CONTRACT WITH GROUNDWORK SAN DIEGO FOR CHOLLAS CREEK PLANNING AND HABITAT RESTORATION.

WHEREAS, the City Council by Resolution No. R-300909, adopted on October 10, 2005, authorized and empowered the City to apply for, appropriate, accept, and expend up to \$616,686 in Workforce Housing Grant Funds from the California Department of Housing and Community Development [HCD]; and

WHEREAS, the City Council by Resolution No. R-300909, adopted on October 10, 2005 authorized the increase of the Capital Improvement Program Budget by \$144,000 for Fiscal Year 2006 for CIP 37-446.0 Chollas Creek Enhancement Program Segments 2A and 8 for partial expenditure of the Workforce Housing Grant Funds; and

WHEREAS, On December 22, 2005, the California Department of Housing and Community Development granted the City Workforce Housing Grant funds and executed Standard Agreement Number 04-WFH-052 that included Scope of Work for Chollas Creek Segment 2A Improvements; and

WHEREAS, Chollas Creek improvements at Segments 2A and 8 of the Chollas Creek Enhancement Program either have other funding identified and allocated or require further site

planning prior to completion, thus the City Planning and Community Investment Department would like to amend Standard Agreement Number 04-WFH-052 to include other Chollas Creek Enhancement Program habitat restoration and planning projects at Segment 5 (Council District 4) and Segment 7 (Council District 8), as determined by City Council; and

WHEREAS, the City Planning and Community Investment Department seeks approval to negotiate and execute a sole source contract with Groundwork San Diego for the completion of the Scope of Work under the Workforce Housing Standard Agreement Number 04-WFH-052, as amended; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the Mayor or his representative is authorized to make application to HCD for amendment to the Workforce Housing Standard Agreement No. 04-WFH-052 to revise the Scope of Work [Exhibit A of the Agreement] to allow \$144,000 of grant funds previously designated for improvements to Segments 2A and 8 of the Chollas Creek South Branch Implementation Program to be expended equally between planning or habitat restoration projects at Segments 5 and 7.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that the Mayor or his representative is authorized to take all necessary actions to secure funding from the HCD for planning and habitat restoration at Segments 5 and 7.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that the Auditor and Comptroller is authorized to accept, appropriate, and expend funds if Workforce Housing Grant Funds are secured.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that the Auditor and Comptroller is authorized to establish a special interest-bearing fund for the Workforce

Housing Grant pursuant to the terms of the Workforce Housing Standard Agreement No. 04-WFH-052, as amended.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that the addition of CIP 37-446.0, Chollas Creek South Branch Phase I, Planning and Habitat Restoration to Segments 5 and 7 to the Fiscal Year 2008 Capital Improvements Program is authorized.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that a \$144,000 increase in the Fiscal Year 2008 Capital Improvements Program Budget, CIP 37-446.0, Chollas Creek South Branch Phase I, Planning and Habitat Restoration to Segments 5 and 7 is authorized.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that the City Auditor and Comptroller is authorized to appropriate and expend \$144,000 from CIP 37-446.0, Chollas Creek South Branch Phase I, Planning and Habitat Restoration to Segments 5 and 7 contingent upon receipt of a fully executed amended grant agreement.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that the Mayor or his representative is authorized to make application for Proposition 84 and Wetlands Recovery Project funding using the \$144,000 of available Workforce Housing Grant funds as local matching funds for the application(s), contingent upon receipt of the grant funds pursuant to an executed amended Workforce Housing Standard Agreement.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that the Mayor or his representative is authorized to execute right-of-entry documents to allow the proposed improvements to be completed on Chollas Creek Segments 5 and 7, as appropriate.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that the Mayor or his representative is authorized to negotiate and execute a sole source contract with Groundwork San Diego not to exceed \$144,000 (\$72,000 each in Council Districts 4 and 8) for the purpose of administering and completing planning and habitat restoration under the terms and conditions of the Workforce Housing Standard Agreement No. 04-WFH-052, as amended, utilizing the funds in CIP 37-446.0, Chollas Creek South Branch Phase I, Planning and Habitat Restoration, contingent upon the Auditor and Comptroller certifying that the funds are available.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that the contract with Groundwork San Diego shall be contingent upon Groundwork San Diego obtaining all necessary licenses and permits required for the performance and completion of its obligations under the contract.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that the City Auditor and Comptroller is authorized, upon advice from the administering City Department, to return unexpended Workforce Housing Grant funds remaining at the end of the contract period or termination date to the HCD with accrued interest within thirty (30) days of the contract termination or expiration date.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that the City Auditor and Comptroller is authorized, upon advice from the administering City Department, to return grant funds not expended within 90 days of receipt by the City to the HCD with accrued interest.

BE IT FURTHER RESOLVED, that this activity (executing an Amendment to an Agreement and expenditure Grant funds) is not a "project" and is therefore exempt from CEQA

pursuant to State CEQA Guidelines Section §15060(c)(2). Any project for which the fund expenditure will be used would be subject to site specific CEQA review.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Nina M. Fain
Deputy City Attorney


NMF:mm
01/16/08
02/01/08 **REV.COPY**
Or.Dept:City Planning & Comm. Investment
R-2008-594
MMS#5812

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego at its meeting of JAN 29 2008.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2-8-08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor