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RESOLUTION NUMBER R- 306251

DATE OF FINAL PASSAGE NOV 01 2010

AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE AUGMENTATION OF THE BROAD SPECTRUM STREET LIGHTING PROJECT WITH QUALIFIED ENERGY CONSERVATION BOND PROCEEDS, AUTHORIZING FUNDS, AND RELATED ACTIONS.

WHEREAS, for energy efficiency and conservation and associated cost savings the Council of the City of San Diego has heretofore authorized a Broad Spectrum Street Lighting Project by Resolution R-305594 dated July 22, 2010; and

WHEREAS, Resolution R-305594 authorized the Mayor to combine and leverage \$2,000,000 in funds received from the federal Energy Efficiency and Conservation Block Grant (EECBG) Program with \$3,000,000 from an application to a California Energy Commission (CEC) loan program to finance a \$5,000,000 Broad Spectrum Street Lighting Project; and

WHEREAS, the Council on August 3, 2010 adopted Ordinance No. O-19981 authorizing acceptance of the CEC loan in the amount of \$3,000,000 to be used for the Broad Spectrum Street Lighting Project; and

WHEREAS; in addition to the aforementioned funds for the Broad Spectrum Street Lighting project from the EECBG grant and CEC loan sources, the City of San Diego has received an initial Qualified Energy Conservation Bond (QECB) allocation of \$13.1 million under the American Recovery and Reinvestment Act of 2009; and

WHEREAS, QECBs are taxable tax credit bonds limited solely to fund qualified energy conservation projects; and

WHEREAS, in conjunction with this Resolution the Council will adopt an ordinance to enter a QECB Equipment Lease Agreement allocation in an amount not to exceed \$13,141,596.29, providing a direct subsidy payment option whereby the City is to receive a Federal subsidy in an amount equal to 70% of the applicable tax credit rate published by the U.S. Treasury at closing; and

WHEREAS, \$12.9 million of the QECB proceeds may be used to augment the Broad Spectrum Street Lighting Program; and

WHEREAS, the QECB Equipment Lease Agreement proceeds can be combined and leveraged with the aforementioned \$5 million previously approved for Broad Spectrum Street Lighting through Council actions R-305594 and O-19981 to provide for combined project funding of \$17.9 million to be used to convert "cobra head" low and high pressure sodium street lights to broad spectrum street lights; and

WHEREAS, the Broad Spectrum Street Light Conversion Program (Program) can, through the combination of EECBG grant, CEC loan, and QECB equipment lease funds, accordingly be programmed to convert approximately 38,700 streetlights to broad spectrum lighting using induction type technology outside of the local observatories' 30-mile radius.

WHEREAS, operations of local observatories will not be unreasonably impacted by broad spectrum street lighting of color temperature of 4000 Kelvin or less provided that such lights are at least 35 miles distant from local observatories and are shaded for light distribution cutoff of no higher than 90 degrees; NOW, THEREFORE,

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

1. That the use of broad spectrum street lighting, as deemed appropriate by the City Engineer, with a maximum correlated color temperature not to exceed 4000 Kelvin, is hereby authorized, provided that such fixtures are located outside of a 35-mile radius from all local observatories, and are shaded to provide light distribution cutoff at no higher than 90 degrees; and

2. That the authority provided to the Mayor or his designee by Resolution R-305594 authorizing the preparation of plans and specifications for a broad spectrum street lighting installation contract in an amount not to exceed \$5,000,000 is hereby amended to provide that the Mayor or his designee is hereby authorized to prepare plans and specifications for a phase funded broad spectrum street lighting installation contract in an amount not to exceed \$17,900,000; and

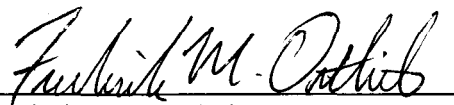
3. The Mayor or his designee is authorized to advertise for and evaluate bids from qualified bidders for a phase funded broad spectrum street lighting installation contract in an amount not to exceed \$17,900,000; and

4. The Mayor or his designee is authorized to award and execute a phase funded broad spectrum street lighting installation contract with lowest responsible and reliable bidder in a total amount not to exceed \$17.9 million, provided that: (a) Phase One of said contract is in an amount not exceed \$5 million from Annual Allocation A-BT.00003, (B-11012), consisting of \$2 million from EECBG, Fund # 1000251-2009, and \$3 million from CEC Energy Upgrade Loan #3, fund #400700, contingent upon the Chief Financial Officer first certifying that funds

necessary for said Phase One are, or will be on deposit with the City Treasurer, and provided further that (b) Phase Two of said contract is in an additional amount not to exceed \$12.9 million from QECB bond proceeds and that said Phase Two is contingent upon the closing of the QECBs and is to be paid from QECB funds held with the Acquisition Fund Custodian.

5. The Chief Financial Officer is authorized to advance, appropriate, and expend an amount not to exceed \$350,000 from the Capital Outlay Revolving (COR) Fund 400000 as an advance funding source for the Capital Improvement Program costs related to the Broad Spectrum Street Lighting Project herein authorized, provided that said funds advanced to Fund 400700 are reimbursed to COR Fund 400000 from funds received from CEC Energy Upgrade Loan No. 3 (authorized by ordinance O-19981) when available per terms of the loan, and provided that similar advances made to Fund 400202 from COR Fund 400000 for energy efficiency improvements under CEC Loan No. 1 (authorized by ordinance O-19279) and No. 2 (authorized by ordinance O-19571) are reimbursed to COR Fund 400000 in the amount of \$600,000.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Frederick M. Ortlieb  
Deputy City Attorney

FMO:cla  
10/05/2010  
10/14/2010 CORR. COPY  
Or.Dept: Environmental Services  
R-2011-309

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 19 2010

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 11-1-10  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor