

RESOLUTION NUMBER R- 308060

DATE OF FINAL PASSAGE MAR 27 2013

ITEM # S500
SUB - A
3/26/13

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO UNIFIED SCHOOL DISTRICT REGARDING BIOLOGICAL MITIGATION, PARK LAND AND JOINT USE FACILITIES INVOLVING SALK ELEMENTARY SCHOOL, MCAULIFFE COMMUNITY PARK, AND CARROLL CANYON VERNAL POOL PRESERVE AND RELATED ACTIONS.

WHEREAS, in October 2009, the City Council approved a Memorandum of Understanding (MOU) with the San Diego Unified School District (District) regarding the construction of the Salk Elementary School on District-owned property, and mitigation impacts to vernal pools which exist on the school site; and

WHEREAS, that MOU anticipated that the mitigation would occur at the City-owned McAuliffe Community Park, in exchange for the conveyance of certain District-owned property to the City for a neighborhood park as well as joint use facilities; and

WHEREAS, subsequent to the release of the Jonas Salk Area Elementary School Draft Environmental Impact Report (EIR) for public review, the United States Fish and Wildlife Service (USFWS) increased the mitigation requirement from 2.62 acres to 3.32 acres; and

WHEREAS, because the McAuliffe Park site does not have the capacity for the total 3.32 acres of required vernal pool mitigation, the District was required to identify a second mitigation site; and

WHEREAS, in 2011, USFWS agreed to additional vernal pool mitigation at the Carroll Canyon Vernal Pool Preserve (Carroll Canyon Mitigation Site), a City owned property; and

WHEREAS, the USFWS, on behalf of the District, negotiated with the City to use approximately 3.37 acres of the Carroll Canyon Mitigation Site for the additional vernal pool mitigation; and

WHEREAS, the addition of the Carroll Canyon Mitigation Site as a mitigation site necessitated a new MOU that would identify an endowment for this site and the value of the loss of the use of the site as a future City mitigation site; and

WHEREAS, the new MOU provides that the District lease land consisting of approximately 0.891 acres of dedicated park land and approximately 0.473 acres of non-dedicated park land in a portion of McAuliffe Park for vernal pool mitigation and maintenance; and

WHEREAS, the MOU provides that the District convey approximately 6.10 acres of land to the City for a neighborhood park and joint use facilities;

NOW, THEREFORE,

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

1) That the Mayor or his representative is authorized to approve the MOU between the City of San Diego and the San Diego Unified School District regarding Biological Mitigation, Park Land and Joint Use Facilities Involving Salk Elementary School, McAuliffe Community Park, and Carroll Canyon Vernal Pool Preserve.

2) That the Mayor or his representative is authorized to take all necessary actions to secure funding from the San Diego Unified School District in an amount not to exceed \$2,482,370.00 to be placed in a non-wasting endowment fund to implement the Memorandum of Understanding between the City of San Diego and the San Diego Unified School District.

3) That the Chief Financial Officer is authorized to establish an interest-bearing, non-wasting, special fund for Carroll Canyon West Vernal Pool Maintenance and Management.

4) That the Chief Financial Officer is authorized to accept funds, and appropriate and expend interest income generated from the non-wasting endowment, with the principal amount of \$2,482,370.00 being retained; contingent upon the adoption of the Fiscal Year 2014 appropriation ordinance, and contingent upon the City Comptroller furnishing a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

5) That the Mayor or his representative is authorized to take all necessary actions to secure funding from the San Diego Unified School District in an amount not to exceed \$387,550.00 to be placed in the General Fund (100000) per the Memorandum of Understanding between the City of San Diego and the San Diego Unified School District.

6) That the Chief Financial Officer is authorized to accept, appropriate and expend the principal amount of \$387,550.00 and any interest income generated from the wasting endowment in the General Fund within the Park and Recreation Department in Fiscal Year 2013, to be tracked with an internal order #11003007, the Salk MOU-Open Space Maintenance and Acquisition.

7) That the Mayor or his representative is authorized to take all necessary actions to secure funding in accordance with the MOU from the San Diego Unified School District in an amount of \$3,068,470.92 (amount to be adjusted in March 2013 for inflation per the Los Angeles Construction Cost Index) for the design and construction of the 4.10 acres of neighborhood park and 2.00 acres of joint use facilities.

8) That the Chief Financial Officer is authorized to accept, appropriate, expend and deposit the proceeds of the Escrow Account, into the Salk Neighborhood Park & Joint Use - Development, S14007/FY14, Fund No. 200636; contingent upon the adoption of the Fiscal Year

2014 appropriation ordinance, and contingent upon the City Comptroller furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
03/15/13
Or.Dept:DSD
Doc. No. 524726

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 3/26/13.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 3/27/13
(date)

Bob Filner
BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor