

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 1
FOR THE REGULAR MEETING OF
MONDAY, MARCH 23, 2009 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-S400: Two actions related to Proposition 84 Grant Application. (Southeastern and Encanto Community Areas. District 4.)

[?View referenced exhibit back-up material.](#)

(See memorandum from William Anderson dated 3/18/2009.)

STAFF’S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2009-967 Cor. Copy)

Approving the joint application with Groundwork San Diego for an Urban Streams Restoration Grant;

Declaring that if offered such a grant,

1. The Mayor, or designee, is authorized to accept and co-sign a grant agreement with the State of California Resources Agency, Department of Water Resources and Groundwork San Diego for funds to restore a segment of Chollas Creek at the Jackie Robinson YMCA, provided however that prior to Groundwork San Diego obligating any grant funds, there is an agreement between the City and Groundwork San Diego requiring that Groundwork San Diego, their consultants and contractors indemnify the City, as well as obtain insurance in specified amounts naming the City as an additional insured. The agreement would also to allow the City to inspect and monitor all implementation activities including physical improvements and fiscal obligations and expenditures and give the City the right to assume implementation of the project, if necessary.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-S400: (Continued)

Subitem-A: (Continued)

2. The Mayor is authorized to delegate authority to Groundwork San Diego to provide management and support services required for performance of the work and administration of the grant agreement. Such delegation shall include the authority to submit invoices to the State of California for reimbursement.
3. The Council certifies that the request for grant funds is not considered a project as defined in the California Environmental Quality Act (CEQA) Guidelines Section 15378 and is therefore not subject to CEQA, pursuant to State CEQA Guidelines section 15060(c)(3). If a grant is awarded, the future restoration project would be subject to discretionary review pursuant to the City's Land Development Code and CEQA.

Subitem-B: (R-2009-966)

Approving the joint application with the Jacobs Center for Neighborhood Innovation for an Urban Streams Restoration Grant;

Declaring that if offered such a grant,

1. The Mayor, or designee, is authorized to accept and co-sign a grant agreement with the State of California Resources Agency, Department of Water Resources and the Jacobs Center for Neighborhood Innovation to restore a segment of Chollas Creek as part of the development of an affordable housing project near the intersections of Market and Euclid Avenues in San Diego, provided however that prior to the Jacobs Center obligating any grant funds, there is an agreement between the City and the Jacobs Center requiring that the Jacobs Center, their consultants and contractors indemnify the City, as well as obtain insurance in specified amounts naming the City as an additional insured. The agreement would also to allow the City to inspect and monitor all implementation activities including physical improvements and fiscal obligations and expenditures and give the City the right to assume implementation of the project, if necessary.
2. The Mayor is authorized to delegate authority to the Jacobs Center to provide management and support services required for performance of the work and administration of the grant agreement. Such delegation shall include the authority to submit invoices to the State of California for reimbursement.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-S400: (Continued)

Subitem-B: (Continued)

3. The Council certifies that the request for grant funds is not considered a project and is therefore not subject to CEQA, pursuant to State CEQA Guidelines section 15060(c)3. If a grant is awarded, the future restoration project would be subject to discretionary review pursuant to the City's Land Development Code and CEQA.

STAFF SUPPORTING INFORMATION:

The City has been asked to co-sponsor two applications for Proposition 84 grant funds for restoration projects at Chollas Creek through the River Parkways Program of the State Resources Agency and the Urban Streams Program of the State Department of Water Resources. Applications were due to the State Resources Agency and State Department of Water Resources on November 12, 2008 and have therefore already been submitted. Council action is needed to document the City's support of the plans, indicate the type of environmental document required under California Environmental Quality Act (CEQA) and indicate a willingness to assume implementation of the project in the event that the sponsoring not-for-profit is unable to complete implementation.

Subitem A - One application is sponsored by Groundwork San Diego and is requesting a total of \$3.8 million from both programs to restore a segment of Chollas Creek at the Jackie Robinson YMCA including removal of a concrete and non-native vegetation, widening of the channel, provision of trails, interpretive exhibits, trees and public art. Subitem B - This application is sponsored by the Jacobs Center for Neighborhood Innovation to widen and stabilize the slopes of the creek, extend a drainage box culvert, construct a plantable retaining wall, protect and enhance native habitat, reduce water pollution, provide public access to the creek, create 800 linear feet of open space and a pedestrian trail, provide interpretive signage and a public observation deck.

FISCAL CONSIDERATIONS:

If either or both grants are approved, the funds would be awarded to the respective sponsoring not-for-profit organization. A separate side agreement between the City and each sponsoring organization would require that the not-for-profit, their consultants and contractors indemnify the City, as well as obtain insurance in specified amounts naming the City as an additional insured. The side agreements would also enable the City to monitor fiscal expenditures in the event that it would be necessary for the City to assume implementation of either project.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-S400: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On June 13, 2007, the City Council adopted Resolution R-302686 which authorized the City to execute a Cooperative Agreement with the National Park Service for the acceptance of \$85,000 in grant funds to provide administrative funding for the Groundwork San Diego organization and to execute a contract with Groundwork San Diego to transfer \$250,000 in unspent grant funds from the California Department of Water Resources to complete improvements at the segment of Chollas Creek located at 38th and Alpha Streets.

Also, on February 8, 2008, the City Council adopted Resolution R-303361 which authorized the use of \$144,000 in Workforce Housing funds from the California Department of Housing and Community Development to be used at Segments 5 and 7 as identified in the Chollas Creek Enhancement Program, adopted by City Council in May 2002. Segment 5 is at the Jackie Robinson YMCA site. \$72,000 of the \$144,000 was used by Groundwork San Diego to complete a conceptual plan which provides the basis for the current Prop 84 application by Groundwork San Diego.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Subitem A - Groundwork San Diego is coordinating with the Encanto Neighborhoods Planning Committee, the Southeastern Economic Development Corporation (SEDC) and the Urban Corps of San Diego on the project.

Subitem B - The Jacobs Foundation has organized Community Building Teams and consulted with the Coalition of Neighborhood Councils (CNC) which represents 21 distinct communities in southeastern San Diego.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Subitem A - Key Stakeholders: Jackie Robinson YMCA, SEDC and the Urban Corps of San Diego. Projected impacts include reduced water flow thus reducing the potential for flooding, enhanced water quality, a restored riparian environment with native habitat and increased usable open space for the community.

Subitem B - Key Stakeholders: Encanto area residents, the Jacobs Foundation and the Coalition of Neighborhood Councils. Projected impacts include improved safety and flood management of the creek, elimination of hazards, restoration of the native habitat, improved water quality and the provision of a pedestrian walkway.

Anderson/Pomeroy

Staff: Myles Pomeroy - (619) 235-5219
Shannon Thomas - Deputy City Attorney