

**Office of
The City Attorney
City of San Diego**

**MEMORANDUM
MS 59**

(619) 533-5800

DATE: February 7, 2007
TO: Ted Medina, Park and Recreation Director
FROM: City Attorney
SUBJECT: Transfer of Funds from Fox Canyon Park to Wightman Street

The City Attorney understands that the Park and Recreation Department wishes to docket a Council action to allow the transfer of funds from the Fox Canyon Park project to the Wightman Street property in order to save a \$2.3 million state grant to fund a park in the Mid-City area. The City Attorney fully supports the building of a park in this park-deficient area of City Heights, as well as the preservation of the state grant previously awarded for the Fox Canyon project.

However, the City Attorney's Office does not support a transfer of the funds to the proposed Wightman Street park prior to the reimbursement of park fees improperly expended on Fox Canyon. Approximately \$161,774.34 from the Special Park Fee Fund, Mid City Park Developer Fund #39094, was previously expended on a traffic study and the design of the Ontario Avenue extension.

In addition, the City Attorney understands that Ronne Froman has directed Park and Recreation staff to work with other officials within the Mayor's administration to identify a funding source for the reimbursement of these improperly expended Special Park fees.

It is the City Attorney's position that it is in the City's best interest that the Council action authorizing the transfer of funds from the Fox Canyon Park to the Wightman Street property be

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done concurrently with the reimbursement of the \$161,774.34 (plus interest) to the Special Park Fee Fund.

MICHAEL J. AGUIRRE, City Attorney

By



Alex W. Sachs
Deputy City Attorney

AWS:mm

cc: Honorable Jerry Sanders
Ginny Barnes, Acting Chair, Park and Recreation Board
Ronne Froman, Chief Operating Officer
Rick Reynolds, Deputy Chief Operating Officer
Jim Waring, Deputy Chief Operating Officer
Jay Goldstone, Chief Financial Officer
Jim Madaffer, Councilmember
Jaymie Bradford, Office of the Mayor
April Penera, Deputy Director, Park and Recreation