

101
9/18

(R-2008-167)

RESOLUTION NUMBER R- 303003

DATE OF FINAL PASSAGE SEP 27 2007

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING
A PARTICIPATING AGREEMENT WITH PARDEE HOMES
FOR THE UPGRADE OF SEWER PUMP STATION 79.

WHEREAS, improvements and upgrades to Pump Station 79 are required under the Final Consent Decree in *United States v. City of San Diego*, U.S. District Court Case No. 03-CV-1349-K, and *San Diego BayKeeper v. City of San Diego*, U.S. District Court Case No. 01-CV-0550-B; and

WHEREAS, Pardee Homes is a major developer of the Pacific Highlands Ranch area, which is served by Pump Station 79; and

WHEREAS, as a condition of development, Pardee Homes is required to contribute its fair share costs of upgrading Pump Station 79 to accommodate the additional demand that the development will have on Pump Station 79; NOW, THEREFORE,

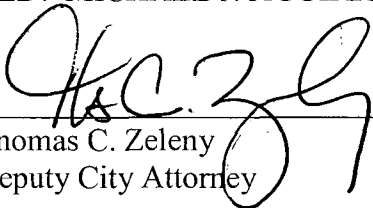
BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee is authorized to execute, for and on behalf of the City, an agreement with Pardee Homes for the design and construction of upgrades to Pump Station 79 and its sewer force mains, under the terms and conditions set forth in the Participation Agreement, on file in the office of the City Clerk as Document No. RR- 303003.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$4,279,224 from Sewer Fund No. 41506, CIP 46-602.6, Sewer Pump Station 79 Upgrades, is authorized, solely and exclusively to provide funds for the above agreement and related actions, to be expended as follows: \$576,761 for preliminary design; \$2,965,646 for the Participation Agreement with Pardee Homes; and \$736,817 for project related costs.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to return any unexpended funds to the appropriate reserve upon request of the administering department.

BE IT FURTHER RESOLVED, that the information contained in the final Mitigated Negative Declaration Project No. 9203, including any comments received during the public review process, has been previously reviewed and considered, and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with the approval of upgrades to Pump Station 79.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Thomas C. Zeleny
Deputy City Attorney

TCZ:mb
08/28/07
Aud.Cert:2800067
Or.Dept:MWWD
MWD-8005
R-2008-167

I hereby certify that the foregoing resolution was passed by the Council of the City of San Diego, at its meeting of SEP 18 2007.

ELIZABETH S. MALAND, City Clerk

By 
Deputy City Clerk

Approved: 9.27.07
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE
ORIGINATING

AC 2800067
 DEPT. _____
 NO. 773

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \$1,313,578.00 Fund: 41506

Purpose: Authorizing the expenditure of funds for the related costs for Sewer Pump Station 79 Upgrades, Participation Agreement with Pardee Homes.

Date: August 6, 2007 By: Robert Barreras *Robert Barreras*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	41506	773	960	4278	175980				1,313,578.00
TOTAL AMOUNT										\$1,313,578.00

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$2,965,646.00

Vendor: Pardee Homes

Purpose: Authorizing the expenditure of funds for the Sewer Pump Station 79 Upgrades, Participation Agreement with Pardee Homes.

Date: August 6, 2007 By: Robert Barreras *Robert Barreras*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	41506	773	960	4240	175984				\$2,965,646.00
TOTAL AMOUNT										\$2,965,646.00

FUND OVERRIDE

R 303003

SEP 18 2007

AC 2800067