RESOLUTION NUMBER R- 303655

DATE OF FINAL PASSAGE MAY 1 3 2008

A RESOLUTION AUTHORIZING EXECUTION OF PARTICIPATION AGREEMENT; AUTHORIZING THE EXPENDITURE OF FUNDS; AND TAKING RELATED ACTIONS.

WHEREAS, The City of San Diego [City] has determined that it would be economical, efficient, and in its best interests to install certain improvements to the public water system concurrently with the construction of public improvements on certain property in the City; and

WHEREAS, DMH Lindo Paseo, LLC [DMH] has agreed to design and construct certain improvements to the public water system, consisting of the replacement of cast iron water mains with the installation of PVC water pipe and other improvements [Improvements]; and

WHEREAS, The Improvements are necessary and is for the benefit of the City as a whole and both the City and DMH find it in their best interest to expedite the Improvements; NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of San Diego:

- 1. That the Mayor or his designee is authorized to award and execute, for and on behalf of said City, an Agreement with DMH for the design and construction of the Improvements in Lindo Paseo and Campanile Drive, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR 303655.
- 2. That the expenditure of an amount not to exceed \$320,000.00 is hereby authorized, solely and exclusively for the purpose of executing this Agreement, contingent upon the City Auditor and Comptroller first furnishing one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.

- 3. That the expenditure of an amount not to exceed \$320,000.00 from Water Fund 41500, CIP No. 73-083.0, Lindo Paseo Water Main Upgrade, is authorized for the purpose of providing funds for the Improvements in the above referenced Agreement.
- 4. That the City Auditor and Comptroller, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.
- 5. That this activity is exempt from the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15301.

APPRO	OVED: MICHAEL J. ACTURRE, City Attorney
	Raymond C. Palmucci Deputy City Attorney

RCP:js 04/15/2008 Or.Dept: Water Aud. Cert. 2800705 R-2008-901

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 6 2008.

ELIZABETH S. MALAND

City Clerk

Approved: 513.01

(date)

JERRY SANDERS, Mayor

Vetoed: JERRY SANDERS, Mayor

-PAGE 2 OF 2-

R-303655

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

							TTED BAL	MITOL	AC	2800705	
		•	,						ORIGINATING DEPT. NO.:	760	
										set forth in the foregoir	
Amount					•			•			
Purpose	٥.										
ruipose	e. ₋										
	•										
Date:	-	By: AUDITOR AND COMPTROLLER'S DEPARTMENT									
	I	_			A	CCOUNTING DA					
	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT	
						···					
\longrightarrow	\dashv			ļ	<u> </u>	}			-		
		 -							1		
								TOTAL	AMOUNT		
y the he f San D	eret Dieg	o attached o; and I do	l resolutio hereby f	on, can be further cer	incurred wi	thout the vic	lation of an	y of the pents of the	orovisions ne Charter	of the Charter of the Ci of the City of San Diego	
y the he f San D nat suff bligatio ppropris ne mone	erete Diege ficier ons d iation eys	o attached o; and I do nt moneys of said cor n from whi anticipated	l resolution hereby for have being tract are second to the	on, can be further cer een appro actually in ame are to einto the line	incurred wi tify, in confo priated for the Treasu be drawn, Freasury, to	thout the vice ormity with the the purpose arry, or are are and that the	elation of an e requirem e of said conticipated to said mone	y of the pents of the ontract, to come in y now ac	provisions ne Charter hat suffici nto the Tre tually in th	or agreement authorize of the Charter of the Cit of the City of San Diego ient moneys to meet th easury, to the credit of th ne Treasury, together wit vise unencumbered.	
by the he of San D hat suff obligation oppropria ne mone lot to Ex	ereto Diego ficien ons co iation eys	o attached o; and I do nt moneys of said con n from whi anticipated ed:	resolution hereby for have been been been been been been been be	on, can be further cer een appro actually in ame are to into the 1	incurred wi tify, in confo priated for the Treasu be drawn,	thout the vice ormity with the the purpose arry, or are are and that the	elation of an e requirem e of said conticipated to said mone	y of the pents of the ontract, to come in y now ac	provisions ne Charter hat suffici nto the Tre tually in th	of the Charter of the Cit of the City of San Diego ent moneys to meet the easury, to the credit of the de Treasury, together with	
by the he of San D hat suff obligation oppropria he mone Not to Ex	ereto Diego ficien ons co iation eys	o attached o; and I do nt moneys of said cor n from whi anticipated	resolution hereby for have been been been been been been been be	on, can be further cer een appro actually in ame are to into the 1	incurred wi tify, in confo priated for the Treasu be drawn, Freasury, to	thout the vice ormity with the the purpose arry, or are are and that the	elation of an e requirem e of said conticipated to said mone	y of the pents of the ontract, to come in y now ac	provisions ne Charter hat suffici nto the Tre tually in th	of the Charter of the Cit of the City of San Diego ent moneys to meet the easury, to the credit of the de Treasury, together with	
y the he of San D nat suff obligation oppropria ne mone lot to Ex endor:	ereto Diego ficiel ons di iation ieys excee	o attached o; and I do nt moneys of said cor n from whi anticipated ed: DMH Lind	hereby for have be tract are ich the sad to come of Paseo, gethe exp	on, can be further cer een appro actually ir ame are to into the later than the l	incurred wi tify, in confo priated for the Treasu be drawn, Treasury, to 320,000.00	thout the vidermity with the the purpose arry, or are are and that the the credit of	elation of an le requirem e of said conticipated to said mone said appro	y of the pents of the postract, to come in y now ac priation,	orovisions ne Charter hat suffici ito the Tre tually in th are otherw	of the Charter of the Cit of the City of San Diego ent moneys to meet the easury, to the credit of the de Treasury, together with	
y the he of San D hat suff obligation oppropri- ne mon- lot to Ex endor:	ereto Diego ficiel ons di iation ieys excee	o attached o; and I do nt moneys of said cor n from whi anticipated ed: DMH Lind Authorizin	hereby for hereby for have been been been been been been been be	on, can be further cer een appro actually ir ame are to e into the 1	incurred wi tify, in confo priated for the Treasu be drawn, Treasury, to 320,000.00	thout the vice frmity with the the purpose iry, or are are and that the the credit of	elation of an le requirem e of said conticipated to said mone said appro	y of the pents of the postract, to come in y now ac priation,	orovisions ne Charter hat suffici ito the Tre tually in th are otherw	of the Charter of the City of the City of San Diego ent moneys to meet the easury, to the credit of the Treasury, together with vise unencumbered.	
by the he of San D hat suff obligation oppropri- he mon- lot to Ex endor:	ereto Diego ficiel ons di iation ieys excee	o attached o; and I do nt moneys of said cor n from whi anticipated ed: DMH Lind Authorizin	hereby for hereby for have been been been been been been been be	on, can be further cer een appro actually ir ame are to into the later than the l	incurred wi tify, in confo priated for the Treasu be drawn, Treasury, to 320,000.00	thout the vidermity with the the purpose arry, or are are and that the the credit of	e requirement of said conticipated to said mone said appro	y of the pents of the pents of the come in y now ac priation,	orovisions ne Charter hat suffici ito the Tre tually in th are otherw	of the Charter of the City of the City of San Diego ent moneys to meet the easury, to the credit of the Treasury, together with vise unencumbered.	
by the heat suff san Chat suff san Chat suff she mone he mone he more served at the chat san chat to Expense she chat san chat sa	ereto Diego ficiele ons diation ieys 	o attached o; and I do nt moneys of said cor n from whi anticipated ed: DMH Lind Authorizin	hereby for hereby for have been been been been been been been be	on, can be further cer een appro actually ir ame are to e into the 1	incurred witify, in conformated for the Treasury, to 320,000.00	thout the vice frmity with the the purpose iry, or are are and that the the credit of	e requirement of said conticipated to said mone said appro	y of the pents of the contract, to come in y now ac priation, and the L	orovisions ne Charter hat suffici ito the Tre tually in th are otherw	of the Charter of the City of San Diego ent moneys to meet the easury, to the credit of the Treasury, together with vise unencumbered.	
y the he for San Drat suff bligatio ppropriate mone for to Extender:	erete Diego ficiele ons co iation eys eys	o attached o; and I do nt moneys of said cor n from whi anticipated ed: DMH Lind Authorizin CIP 73870	hereby for have been been been been been been been be	on, can be further cer een approactually in ame are to e into the 1 \$ LLC enditure of 9, 2008	incurred witify, in conformated for the Treasury, to 320,000.00	thout the vidermity with the purpose iry, or are are and that the the credit of Participation By: CCOUNTING DAT JOB ORDER	e requirement of said conticipated to said mone said appro	y of the pents of the pents of the come in y now ac priation,	orovisions ne Charter hat suffici ito the Tre tually in th are otherw	of the Charter of the City of San Diego ent moneys to meet the easury, to the credit of the Treasury, together with the Universe unencumbered. Water Main Upgrade, LER'S DEPARTMENT	
y the heat suff San Denat suff San Denat suff suff suff suff suff suff suff suf	erete Diego ficiele ons c iation eys	o attached o; and I do nt moneys of said cor n from whi anticipated ed: DMH Lind Authorizin CIP 73870	hereby for have been been been been been been been be	on, can be further cer een approactually in ame are to e into the TLLC enditure of 9, 2008	incurred wi tify, in confo priated for the Treasu be drawn, Treasury, to 320,000.00	thout the vidermity with the purpose iry, or are are and that the the credit of Participation By:	e requirement of said conticipated to said mone said appro	ents of the pents of the contract, to come in y now ac priation, auditor and	ino Paseo	of the Charter of the Circof the City of San Diegonent moneys to meet the casury, to the credit of the Treasury, together with the Universe unencumbered. Water Main Upgrade,	
oy the holf San Dhat suffobligation appropriate Mot to Expender: Ourpose Oate:	erete Diego ficiele ons co iation eys eys	o attached o; and I do nt moneys of said cor n from whi anticipated ed: DMH Lind Authorizin CIP 73870	hereby for have been been been been been been been be	on, can be further cer een approactually in ame are to e into the 1 \$ LLC enditure of 9, 2008	incurred witify, in conformated for the Treasury, to 320,000.00	thout the vidermity with the purpose iry, or are are and that the the credit of Participation By: CCOUNTING DAT JOB ORDER	e requirement of said conticipated to said mone said appro	ents of the pents of the contract, to come in y now ac priation, auditor and	ino Paseo	of the Charter of the City of San Diego ent moneys to meet the easury, to the credit of the Treasury, together with the Universe unencumbered. Water Main Upgrade, LER'S DEPARTMENT	
oy the holf San Dhat suffobligation appropriate Mot to Expender: Ourpose Oate:	erete Diego ficiele ons co iation eys eys	o attached o; and I do nt moneys of said cor n from whi anticipated ed: DMH Lind Authorizin CIP 73870	hereby for have been been been been been been been be	on, can be further cer een approactually in ame are to e into the 1 \$ LLC enditure of 9, 2008	incurred witify, in conformated for the Treasury, to 320,000.00	thout the vidermity with the purpose iry, or are are and that the the credit of Participation By: CCOUNTING DAT JOB ORDER	e requirement of said conticipated to said mone said appro	y of the pents of	ino Paseo	of the Charter of the City of San Diego ent moneys to meet the easury, to the credit of the Treasury, together with the Universe unencumbered. Water Main Upgrade, LER'S DEPARTMENT	