

RESOLUTION NUMBER R- 303655

DATE OF FINAL PASSAGE MAY 13 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.

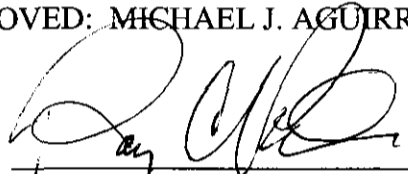
2. That the expenditure of an amount not to exceed \$320,000.00 is hereby authorized, solely and exclusively for the purpose of executing this Agreement, contingent upon the City Auditor and Comptroller first furnishing one or more certificates certifying that the funds are, or will be, on deposit with 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.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
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

By 
Deputy City Clerk

Approved: 5.13.08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

AC 2800705
ORIGINATING DEPT. NO.: 780

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: _____ Fund: _____

Purpose: _____

Date: _____ By: _____
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

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: \$320,000.00

Vendor: DMH Lindo Paseo, LLC

Purpose: Authorizing the expenditure of funds for Participation Agreement for the Lino Paseo Water Main Upgrade, CIP 738701.

Date: April 9, 2008 By: Yeshi Bezuneh
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
001	0	41500	760	391040	4278	189434				\$320,000.00
TOTAL AMOUNT										\$320,000.00

AC-361 (REV 2-92)

FUND OVERRIDE

Purchase Order Line of Accounting 41500 760 391040 4240 189434 \$320,000.00 AC 2800705

R-303655

MAY 06 2008