

RESOLUTION NUMBER R- 305202

DATE OF FINAL PASSAGE SEP 11 2009

A RESOLUTION OF THE CITY OF SAN DIEGO RATIFYING
A LETTER AGREEMENT WITH THE SAN DIEGO CHARGERS
FOR REPAIR REIMBURSEMENT COSTS AND AUTHORIZING
REIMBURSEMENT COSTS FOR FLOOD DAMAGE CAUSED
BY THE FAILURE OF THE CITY'S STORM DRAIN.

WHEREAS, in February 2009, the San Diego Chargers training facility at 4020 Murphy Canyon Road was damaged as a result of the failure of the City's storm drain; and

WHEREAS, under the terms of the Facilities Use and Occupancy Agreement with the Chargers, the City agreed to reimburse the Chargers for damages to the training facility; and

WHEREAS, repairs to the training facility had to be performed without delay in order to control and mitigate the damages; and

WHEREAS, as a result of the emergency, City administration and the Chargers entered into a letter agreement on February 25, 2009 providing for the Chargers to undertake immediate repairs on their own account and for the City to reimburse the Chargers for the reasonable and documented costs of repair; and

WHEREAS, the reimbursement agreement requires ratification by the Council; and

WHEREAS, this activity, the repair of an existing facility, is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines section 15301(c); NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Council hereby ratifies the City's letter agreement with the San Diego Chargers dated February 25, 2009, on file with the City Clerk as Document No. RR- RF-305202,

which provides for reimbursement of repair costs for flood damage to the Chargers' Training & Practice Facility at 4020 Murphy Canyon Road, pursuant to the Facilities Use and Occupancy Agreement.

2. That the Council authorizes reimbursement to the San Diego Chargers in the amount of \$334,524.06 from the Stadium Operating Fund.

3. That the expenditure of an amount not to exceed \$334,524.06 from Fiscal Year 2009 Fund No. 10330, Dept 930, Org 5102, Account 4240, Job Order 005102, is authorized, solely and exclusively to provide funds for the above reimbursement.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Frederick M. Ortlieb
Frederick M. Ortlieb
Deputy City Attorney

FMO:mb
08/18/09
Cert.No:2900922
Or.Dept:Stadium
R-2010-54

I hereby certify that the foregoing resolution was passed by the Council of the City of San Diego, at its meeting of SEP 01 2009.

ELIZABETH S. MALAND, City Clerk

By [Signature]
Deputy City Clerk

Approved: 9-11-09
(date)

[Signature]
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor