

RESOLUTION NUMBER R- 310108

DATE OF FINAL PASSAGE DEC 16 2015

A RESOLUTION OF THE COUNCIL OF THE CITY  
OF SAN DIEGO TO APPROVE THE HARBOR DRIVE  
TRUNK SEWER PARTICIPATION AGREEMENT WITH  
BALLPARK VILLAGE LLC.

WHEREAS, the City of San Diego (City) wishes to enter into a Participation Agreement with Ballpark Village LLC, a Delaware limited liability company (Developer), to upsize the existing Harbor Drive Trunk Sewer from 12th Avenue and Imperial Street to Sewer Pump Station #5 (Beardsley Street and Harbor Drive); and

WHEREAS, this Harbor Drive Trunk Sewer upgrade will improve the structural integrity of this reach of sewer main and increase capacity to support additional sewage flows from the Ballpark Village project; and

WHEREAS, based upon the Ballpark Village projected sewage flows, the Developer's pro-rated share and cost is \$2,173,265; and the City's pro-rata share and cost is \$13,122,922 (maximum Participation Agreement cost) for a total project cost of \$15,296,187; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego,

1. That the Mayor, or his designee, is authorized to execute, for and on behalf of the City, a Participation Agreement with Developer, in connection with the Harbor Drive Trunk Sewer Project, under the terms and conditions set forth in the Participation Agreement, on file with the City Clerk as Document No. RR 310108.

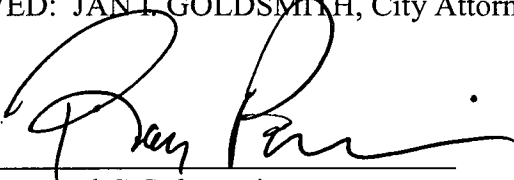
2. That the Chief Financial Officer is authorized to add CIP RD-16001, Harbor Drive Trunk Sewer Participation Agreement, to the Fiscal Year 2016 Capital Improvement Program.

3. That the Chief Financial Officer is authorized to transfer \$250,000 from CIP A.JB-0000.1, MWWD Trunk Sewers, Muni Sewer CIP Fund 700008, to CIP RD-16001, Harbor Drive Trunk Sewer Participation Agreement.

4. That the Mayor, or his designee, is authorized establish contract funding phases for the Participation Agreement with Developer, for the design and construction of CIP RD-16001, Harbor Drive Trunk Sewer Participation Agreement, in an amount not to exceed \$13,122,922, for the duration of four years.

5. That the Chief Financial Officer is authorized to expend funds under the established Participation Agreement funding phases in an amount not to exceed \$250,000 for the first phase (FY16), and a total of \$12,872,922 for all subsequent phases from CIP RD-16001, Harbor Drive Trunk Sewer Participation Agreement, Fund 700008, Muni Sewer CIP, contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditure under the established Participation Agreement funding phases are, or will be, on deposit with the City Treasurer, contingent upon approval of the appropriate future funding and future fiscal year Appropriation Ordinance.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Raymond C. Palmucci  
Deputy City Attorney

RCP:mt  
11/05/2015  
Or.Dept:Public Utilities  
Doc. No.: 1120613

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego,  
at its meeting of DEC 08 2015.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12/15/15  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on DEC 08 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 16 2015

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

(Seal)

By Aty Brady, Deputy

Office of the City Clerk, San Diego, California

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