

RESOLUTION NUMBER R- 312918

DATE OF FINAL PASSAGE APR 09 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT  
BETWEEN PETITIONER, UNIVERSITY CITY COMMUNITY  
FOUNDATION, AND THE CITY OF SAN DIEGO.

WHEREAS, on May 9, 2018, Petitioner, University City Community Foundation (UCCF), filed suit against the City of San Diego alleging the City failed to comply with the California Environmental Quality Act (CEQA) because the Environmental Impact Report for the North City Pure Water Project - Phase 1 (Project) did not discuss a reasonable range of alternatives for the Morena Pipeline alignment. The suit is entitled *University City Community Foundation v. City of San Diego*; Superior Court Case No. 37-2018-00023240-CU-TT-CTL (hereafter "UCCF's CEQA action"); and

WHEREAS, on December 23, 2019, UCCF filed suit against the City of San Diego challenging the constitutionality of State Assembly Bill 1290 (AB 1290) which requires the use of project labor agreements as a condition of receiving construction financing under the Safe Drinking Water Revolving Fund Law or financial assistance from the State Water Pollution Control Revolving Fund for work performed for any portion of the Pure Water San Diego Program. The suit is entitled *University City Community Foundation v. State of California and City of San Diego*; Superior Court Case No. 37-2019-00068076-CU-MC-CTL (hereafter "UCCF's AB 1290 action"); and

WHEREAS, in closed session on January 28, 2020, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8 and 9; Nays: none; Absent, none, approved the settlement of UCCF's CEQA action and UCCF's AB 1290 action for an amount consistent with

the amount set forth below and pursuant to such other terms more fully set forth in a settlement agreement; NOW, THEREFORE,

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

1. Authorizes the Mayor or his designee to pay the sum of \$60,000.00 from Water Fund No. 700011, in settlement of each and every claim to costs and fees of any type, including attorneys' fees, against City of San Diego, its agents and employees, arising from *University City Community Foundation v. City of San Diego*; Superior Court Case No. 37-2018-00023240-CU-TT-CTL and *University City Community Foundation v. State of California and City of San Diego*; Superior Court Case No. 37-2019-00068076-CU-MC-CTL.

2. Authorizes the Chief Financial Officer to expend \$60,000.00 from the Water Fund No. 700011, contingent upon the Chief Financial Officer first furnishing a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

3. Authorizes the Comptroller to issue a check in the amount of \$60,000.00, made payable to the Briggs Law Corporation Trust Account.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
M. Travis Phelps  
Chief Deputy City Attorney

MTP:msb  
March 3, 2020  
Or.Dept: City Attorney  
CC No. 3000013139  
Doc. No.: 2341933

The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING DEPT. NO.: 3000013139  
2000

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: \_\_\_\_\_  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original 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: \_\_\_\_\_ \$60,000.00

Vendor: Briggs Law Corporation Trust Account

Purpose: Settlement of University City Community Foundation v. City of San Diego and University City Community Foundation v. State of California and City of San Diego, Risk Mgmt Claim No. 19533

Date: March 23, 2020 By: Justin Byko on behalf of Jessica Tran  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	700011			OTHR-0000000-WL	512007	2000	2000211101		\$60,000.00
TOTAL AMOUNT									\$60,000.00

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 04/07/2020.

ELIZABETH S. MALAND  
City Clerk

By /s/ Gil Sanchez  
Deputy City Clerk

Approved: 4/9/2020  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

Passed by the Council of The City of San Diego on APR 07 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 09 2020.

**(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.

(Seal)

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

By Connie Patterson, Deputy  
*for Stacy Ready*

Office of the City Clerk, San Diego, California
Resolution Number R- <u>312918</u>