

RESOLUTION NUMBER R- 314435DATE OF FINAL PASSAGE NOV 28 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO STATING FOR THE RECORD THAT THE CITY COUNCIL HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE FINAL SUBSEQUENT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE EAST COUNTY ADVANCED WATER PURIFICATION PROJECT (PROJECT), AND HAS ADOPTED THE PERTINENT MITIGATION MEASURES IN THE MITIGATION, MONITORING AND REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, BEFORE CONSIDERING THE DISCRETIONARY APPROVAL OF ACTIONS RELATED TO IMPLEMENTATION OF THE PROJECT.

WHEREAS, the City of San Diego (City) through its Public Utilities Department owns and operates the Municipal Sewerage System, which includes the East Mission Gorge Pump Station and the East Mission Gorge Force Main, the Metropolitan Sewerage System, and the Water Utility System; and

WHEREAS, the City is currently constructing Phase One of the City's Pure Water Program which is a potable reuse program that will offload wastewater flow from the Point Loma Wastewater Treatment Plant; and

WHEREAS, in 2019, the City of El Cajon, the Padre Dam Municipal Water District, and the San Diego County Sanitation District formed the East County Advanced Water Purification Joint Powers Authority to study and establish a program to recycle wastewater and to create a new local, sustainable, and drought proof potable water supply for East San Diego County known as the East County Advance Water Purification Project (Project); and

WHEREAS, the Project requires that the ECAWP JPA purchase the East Mission Gorge Pump Station from the City so that it can be used for the Project, as well as to continue to

manage wet weather flows, and that the ECAWP JPA obtain subsurface easements from the City to allow certain pipeline to be installed between the ECAWP Project facility and the East Mission Gorge Pump Station; and

WHEREAS, the by-products that will be produced by the Project once it commences need to be conveyed to Point Loma Wastewater Treatment Plant to avoid any additional operation costs to the Pure Water Program and to avoid the potential for wastewater treatment process disruptions, which will be done by constructing a new pipeline inside of the currently existing East Mission Gorge Force Main; and

WHEREAS, the City is considering approving the (i) Purchase and Sale Agreement and Escrow Instructions related to the sale of the East Mission Gorge Pump Station and the subsurface easements; (ii) Design, Construction, and Reimbursement Agreement between the City and the East County Advanced Water Purifications Joint Powers Authority for the Design and Construction of the East County Residuals Line and East Mission Gorge Force Main Rehabilitation; and (iii) Agreement Regarding Operation and Maintenance of the East County Residuals Line, (collectively Agreements) all of which relate to the implement of the Project; and

WHEREAS, in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code sections 21000-21189.7010), and the related State CEQA Guidelines, Cal. Code Regs., title 14, §§15000 to 15387 (CEQA Guidelines), the ECAWP JPA, as the lead agency for the Project, prepared a Final Subsequent Initial Study/Mitigated Negative Declaration (SCH No. 2022040551) (Final SMND), which documents, describes, discloses, and analyzes the environmental impacts of the Project, including all activities contemplated by the Agreements; and

WHEREAS, on July 21, 2022, pursuant to CEQA and the CEQA Guidelines, the ECAWP JPA adopted the Final SMND, a copy of which is accessible through a website link provided in the staff report accompanying this Resolution (Staff Report); and

WHEREAS, also on July 21, 2022, the ECAWP JPA adopted the Mitigation, Monitoring and Reporting Program (MMRP), in connection with the Final SMND, and a copy of the MMRP is accessible through a website link provided in the Staff Report; and

WHEREAS, the City, acting through the Council, is a responsible agency for the Project, as provided in CEQA Guidelines section 15381, because the Council is considering the discretionary approval of the Agreements and related implementing actions, and when effectuated in accordance with their terms and conditions, the Agreements will help facilitate the ECAWP JPA's development of the Project; and

WHEREAS, before considering the discretionary approval of the Agreements and related implementing actions, the Council desires to: (a) certify that it has reviewed and considered the Final SMND; and (b) adopt the pertinent mitigation measures in the MMRP pursuant to CEQA Guidelines sections 15050, and 15096; and

WHEREAS, the Council has held a public hearing, and has reviewed and considered the written and verbal testimony and evidence presented at or before the public hearing, regarding the subject matter of this resolution; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate NOW, THEREFORE,

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

1. That the Council, acting in its independent judgment, has reviewed and considered the information contained in the Final SMND and the MMRP (collectively, CEQA Documents) relevant to the City's approval of discretionary actions within the City's jurisdiction necessary for the future implementation of the Project.

2. That based upon its review and consideration of the CEQA Documents, the Council, acting in its independent judgment, determines and concludes as follows:

- a. In adopting the Final SMND, the District has already identified, analyzed, disclosed, and adopted the mitigation measures for the Project;
- b. The information and analyses contained in the CEQA Documents, are adequate for the City's use as a responsible agency and for the City's consideration of discretionary actions to implement the Project;
- c. The City-approved discretionary actions to implement the Project are within the scope of and consistent with the activities described and evaluated in the CEQA Documents pursuant to CEQA Guidelines section 15162;
- d. The City has not identified a feasible alternative or additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect that the Project would have on the environment; and
- e. Since the ECAWP JPA adopted the Final SMND, there have been no substantial changes to the Project and no substantial changes in Project circumstances that would require major revisions to the CEQA Documents due to the involvement of new significant environmental effects or an

increase in the severity of previously identified significant impacts, and there is no new information of substantial importance regarding the Project that would change the conclusions set forth in the CEQA Documents.

3. That the City, as a responsible agency under CEQA, adopts the Final SMND for the Project as its own under CEQA to the fullest possible extent that the Final SMND is relevant to the City's decision to approve discretionary actions to implement the Project.

4. That pursuant to California Public Resources Code section 21081.6, the Council concurs with the Mitigation Monitoring and Reporting Program adopted by the ECAWP JPA on July 21, 2022, and adopts the Mitigation Monitoring and Reporting Program to implement the changes to the Project as required by the Council in order to mitigate or avoid significant effects on the environment.

5. That the City Clerk is directed to file a subsequent action Notice of Determination with the Clerk of the San Diego County Board of Supervisors following the City's approval of any discretionary action related to the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Melissa D. Ables
Melissa D. Ables
Chief Deputy City Attorney

MDA:cw
10/30/22
Or. Dept: PUD
CC No.: N/A
Doc. No. 3129299
Comp. O-2023-80, R-2023-246

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 15 2022.

ELIZABETH S. MALAND
City Clerk

By Kristen Medina
Deputy City Clerk

Approved: 11/21/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

NOV 15 2022

Passed by the Council of The City of San Diego on _____ by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOV 28 2022

Date of final passage _____.

(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:

TODD GLORIA

Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By Kristine Medina, Deputy

Office of the City Clerk, San Diego, California

314435

Resolution Number R-_____