

#100
9/14/21

RESOLUTION NUMBER R- 313697

DATE OF FINAL PASSAGE SEP 27 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AN AGREEMENT WITH SAN DIEGO COUNTY WATER AUTHORITY FOR THE OPERATION AND MAINTENANCE OF THE SAN DIEGO 28 FLOW CONTROL FACILITY, GRANT OF EASEMENT, MAKING RELATED FINDINGS; AND TAKING RELATED ACTIONS.

WHEREAS, in 1977, the San Diego 12 Flow Control Facility (SD12FCF) was constructed to provide untreated water to the Alvarado Water Treatment Plant, and based on a hydraulic, structural, and site condition assessment completed by the Water Authority Asset Management Program, the San Diego County Water Authority (Water Authority) determined the SD12FCF should be replaced with a new flow control facility; and

WHEREAS, the San Diego 28 Flow Control Facility (SD28FCF) replaced SD12FCF in 2021 and continues to deliver 15 to 150 cubic feet of untreated water per second, utilizing a City-owned easement; and

WHEREAS, a conveyance of the City-owned easement to the Water Authority at no cost is required for public purposes by allowing the Water Authority to operate and maintain the new SD28FCF and 145-feet of conduit between the new two-way switch and switch gear for the SD28FCF, infrastructure which serves all customers of potable water in the City of San Diego; and

WHEREAS, there is currently no written agreement between the Water Authority and the City of San Diego (City) to distinguish roles and responsibilities for the effective operation, and maintenance of the SD28FCF; and

WHEREAS, the City and Water Authority mutually desire to establish the terms and conditions for the operation and maintenance of the SD28FCF through an agreement with the San Diego County Water Authority for the Operation and Maintenance of the San Diego 28 Flow Control Facility (Agreement); and

WHEREAS, the availability, delivery, rate of flow, and cost of untreated water to be sold by the Water Authority to the City is established by the Board of Directors of the Water Authority in accordance with the Water Authority's Administrative Code, on the same basis as generally applicable to the Water Authority's member agencies; and

WHEREAS, San Diego Municipal Code section 22.0907 (Section 22.0907) states that, upon the Council's adoption of a resolution, the City may sell land to another public agency, without undertaking a competitive process, if the Council finds that the land is required for public purposes and that the sale of the land is on such price and terms as the Council deems to be fair and equitable and in the public interest; 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; NOW, THEREFORE,

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

1. For the reasons described in this Resolution, the Staff Report, and in both the Agreement and attachments to the Agreement, the Council finds as follows:
 - a. The City's conveyance of the subject easement to the Water Authority in accordance with the Agreement serves valid public purposes;

- b. The City's conveyance of the subject easement to the Water Authority in accordance with the Agreement is required for public purposes related to the operation and maintenance of the SD28FCF;
- c. The terms and conditions of the Agreement, including the financial consideration and additional benefits accruing in favor of the City in exchange for the conveyance of the subject easement, are fair and equitable and in the public interest; and
- d. The terms and conditions of the Agreement are in the best interests of local citizens.

2. The Council approves the Agreement and authorizes the City's conveyance of the subject easement to the Water Authority in accordance with the Agreement.

3. The Mayor or designee is authorized, on the City's behalf, to sign and deliver the Agreement, the Water Facility Easement Agreement, and all other documents necessary to convey the subject easement in accordance with the Agreement, and to take all such other actions as necessary or appropriate to consummate and implement all transactions contemplated by the Agreement and to effectuate the purposes and intent of this Resolution.

4. The Mayor or his designee, is authorized to enter into an Agreement with the San Diego County Water Authority granting a no-cost easement for the operation and

maintenance of the San Diego 28 Flow Control Facility, on file with the Office of the City Clerk
as Document No. RR- 313697

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Raymond C. Palmucci
Raymond C. Palmucci
Deputy City Attorney

RCP:cw
08/23/21
Or.Dept: Public Utilities Department
CC No.: N/A
Doc. No.: 2748808

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this
meeting of SEP 14 2021

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 9/29/21
(date)

[Signature]
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 14 2021, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 27 2021

(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 *Stacy Beach*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 313697