



# CITY COUNCIL AGENDA STATEMENT



September 25, 2018

File ID: 18-0443

## **TITLE**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING CITY COUNCIL POLICY 570-02 AND APPROVING A SEWER SERVICE AGREEMENT BETWEEN CITY OF CHULA VISTA AND THE COUNTY OF SAN DIEGO FOR OTAY LAKES COUNTY PARK

## **RECOMMENDED ACTION**

Council adopts the resolution.

## **SUMMARY**

The County of San Diego (County) owns and operates an approximately 78-acre park located immediately adjacent to the City of Chula Vista's (City's) boundaries commonly referred to as Otay Lakes County Park (Park). The County currently provides sewer service at restrooms, a ranger station and recreational vehicle host facilities using a septic system and has plans to establish a small recreational campground at this site. The additions to the Park exceed the capacity of the existing septic system. The City's sewer system can accept, transport, treat and dispose of existing and anticipated additional sewage generated. In order to support this regional Park, the City and County have negotiated mutually acceptable terms for the City to provide sewer service to the Park.

## **ENVIRONMENTAL REVIEW**

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c) (3) of the State CEQA Guidelines, the activity is not subject to CEQA. In addition, notwithstanding the foregoing, the Director of Development Services has also determined that the "Project" qualifies for an Exemption pursuant to Section 15061(b) (3) of the California Environmental Quality Act State Guidelines. Thus, no environmental review is required.

## **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

Not applicable.

## **DISCUSSION**

The County owns and operates an approximately 78-acre park located immediately adjacent to the City of Chula at 2270 Wueste Road, Chula Vista, California, as shown in Attachment 1. The Park utilizes a septic system to provide sewer service to the existing restrooms, ranger station and recreational vehicle host facilities. The County plans include a small recreational campground at this site. The estimated capacity needed after expansion will exceed the capacity of the existing septic system. The City's Salt Creek Trunk Sewer located near Park, as shown in Attachment 2 has the capacity to receive, transport, treat and dispose of the existing and additional sewage. The County proposed two potential alignments for connecting to the City's existing system, Option A and B shown in Attachment 2. The details of each alignment are being finalized and require coordination with the City.

City Council's approval of the proposed agreement (Attachment 3) would authorize the County to connect to City's Salt Creek Trunk Sewer main at one of the two locations identified above. Under the proposed agreement, the County would be required to pay the applicable capacity fee in effect the time of the connection and the applicable sewer service charge in effect at the time of each billing. Further expansion of facilities will be limited to the seventeen (17) equivalent dwelling unit (EDU) capacity limit in the agreement. The proposed agreement further requires the County to bear all costs associated with any required review or approval from the San Diego Local Agency Formation Commission (LAFCO), as necessary. Finally, the proposed agreement requires the County to defend and indemnify the City for all claims and damages related to sewer overflows from the Park, connection to the City's main, failure to obtain necessary approvals, and any action challenging approval of the proposed agreement.

City Council approval of the resolution would waive the requirements of City Council Policy 570-02 for providing sewer service to properties not within City boundaries. Staff recommends waiver of the requirements of this policy as the proposed connection from the Park is not the kind of connection addressed under that policy. Policy 570-02 addresses connections from County homeowners near existing City sewer lines that will be subject to future annexation, none of which are applicable here.

## **DECISION-MAKER CONFLICT**

Staff has reviewed the property holdings of the County of San Diego and has found no property holdings within 500 feet of the boundaries of the property which is the subject of this action. Consequently, this item does not present a disqualifying real property-related financial conflict of interest under California Code of Regulations Title 2, section 18702.2(a)(11), for purposes of the Political Reform Act (Cal. Gov't Code §87100, et seq.). Staff is not independently aware and has not been informed of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

### **LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. The Sewer Service Agreement between the County of San Diego and the City of Chula Vista for Otay Lakes County Park Sewer Service supports the Economic Vitality and Connected Community goals. The agreement provides a fiscally sustainable agreement with the County of San Diego.

### **CURRENT-YEAR FISCAL IMPACT**

None.

### **ONGOING FISCAL IMPACT**

The project and future services provided will have no general fund impact. The wastewater fund will be receiving additional revenues that will be included in future budgets.

### **ATTACHMENTS**

1. Otay Lakes County Park Boundaries
2. Otay Lakes County Park County Sewer Alignment Option A and B
3. Sewer Service Agreement Between City of Chula Vista and County of San Diego For Otay Lake County Park

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