



# CITY COUNCIL AGENDA STATEMENT



June 4, 2019

File ID: 19-0049

## **TITLE**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A JOINT USE AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE CITY OF CHULA VISTA FOR THE COLOCATION OF THE CITY OF SAN DIEGO'S EXISTING 27-INCH OTAY VALLEY TRUNK SEWER IN THE FUTURE EXTENSION OF FAIVRE STREET

## **RECOMMENDED ACTION**

Council adopt the resolution.

## **SUMMARY**

The proposed Joint Use Agreement between the City of San Diego and the City of Chula Vista is for the colocation of the City of San Diego's existing 27-inch Otay Valley Trunk Sewer located in the future extension of Faivre Street in the City of Chula Vista. The Faivre Street extension is to be constructed as part of the Otay River Business Park development in the City of Chula Vista. The agreement sets forth both Cities' respective rights and obligations for the construction, operation, and maintenance of their respective facilities within the Joint Use Area as depicted in Exhibit B of the Joint Use Agreement (Attachment 2).

## **ENVIRONMENTAL REVIEW**

The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project was adequately covered in previously adopted Mitigated Negative Declaration (MND) IS15-0005/MPA15-0022 and Mitigation Monitoring and Reporting Program (MMRP), and Tentative Map PCS16-0007 of the Otay River Business Park Specific Plan. Thus, no further environmental review or documentation is required.

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

Not applicable.

## **DISCUSSION**

The City of San Diego is engaged in the activity of conveying wastewater to the environs of the City of San Diego. The City of San Diego owns, operates and maintains the existing 27-inch Otay Valley Trunk Sewer commonly known as San Diego Faivre Street Sewer Pipeline ("SDFSSP"), located within an existing City of San Diego easement ("Easement") and within a new segment of Faivre Street between Broadway and Fourth Avenue south of Main Street ("Street Segment") to be constructed as part of the Otay River Business Park development Project ("ORBP"). No realignment of the existing SDFSSP trunk sewer is required.

Otay River Business Park, LP ("Developer"), a California limited partnership, is the developer of the ORBP project. Developer wishes to develop ORBP project as approved on March 6, 2018, by Tentative Map PCS 16-0006, pursuant to Chula Vista Resolution No. 2018-041. As a condition of approval, Developer is required to construct the Street Segment, Faivre Street, over the Easement as described on Exhibit "A" and

depicted on Exhibit B, of the Joint Use Agreement (Attachment 2). Said area is referred to herein as "Joint Use Area".

Developer desires to construct, and Chula Vista desires to operate and maintain the Street Segment, Faivre Street, a future public transportation facility and related improvements, including but not limited to: landscape, sewer and storm drain pipelines and appurtenances; traffic signals and signal interconnections; along with other improvements located in, upon, over, under and across the Street Segment.

The City of San Diego's Public Utilities Department agrees to the construction of the Street Segment over the Easement and will continue to operate and maintain SDFSSP and associated facilities and appurtenances for such purpose, under and across the Street Segment.

The intent of the Joint Use Agreement is to set forth both Cities' respective rights and obligations for the construction, operation and maintenance of their respective facilities within the Joint Use Area.

#### **DECISION-MAKER CONFLICT**

Staff has reviewed the property holdings of the City Council members and has found no property holdings within 1,000 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)(7) or (8), for purposes of the Political Reform Act (Cal. Gov't Code §87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

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

All costs associated with the negotiation and preparation of the proposed Agreement are borne by the developer, resulting in no net fiscal impact to the General Fund or the Development Services Fund.

#### **ONGOING FISCAL IMPACT**

After completion of the project, maintenance costs of the existing 27-inch Otay Valley Trunk Sewer will be the sole responsibility of City San Diego.

#### **ATTACHMENTS**

Attachment No. 1: Location Map

Attachment No. 2: Joint Use Agreement

*Staff Contact: Christopher Bauer, Senior Civil Engineer, Development Services Department*