



DATE: February 4, 2009

TO: Honorable Mayor and City Councilmembers

FROM: Office of the City Attorney

SUBJECT: **ADOPTION OF RESOLUTION APPROVING APPLICATION FOR GRANT FUNDS FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD SOLID WASTE CLEANUP PROGRAM IN THE AMOUNT OF \$750,000 FOR CAP INSTALLATION OVER THE VISTA BURN SITE**

SYNOPSIS

Staff recommends that City Council adopt a resolution approving an application for \$750,000 in grant funds from the California Integrated Waste Management Board Solid Waste Disposal and Codisposal Site Cleanup Program for site remediation, including capping of burn ash debris, at the Vista Burn Site.

BACKGROUND

The Vista Burn Site, also known as French Field, is located at 1300 Lee Drive in the City of Oceanside, California 92054. The County of San Diego operated a burn dump on the Site, accepting municipal and residential refuse, from approximately 1944 to 1967. The Site is currently owned by the City of Oceanside and has been the home field to the Vista American Little League ("VALL"). In January 2005, VALL teams were temporarily relocated to other nearby fields to allow for environmental investigation and testing at the Site.

ANALYSIS

The County commenced litigation in April 2004 to seek reimbursement from the City of Oceanside, the City of Vista, and the now-defunct Vista Sanitation District for the costs associated with the preparation of a solid waste water quality assessment test ("SWAT") proposal required by the California Regional Water Quality Control Board. In connection with that pending litigation, the City of Oceanside has entered into a Voluntary Clean-Up Agreement with the state Department of Toxic Substances Control ("DTSC"), and the County and the cities of Oceanside and Vista are cooperating to submit an application to the Solid Waste Disposal and Codisposal Site Cleanup Program for a \$750,000 grant to help pay for the costs of the SWAT, preparation of a Preliminary Endangerment Assessment ("PEA") for the DTSC, and to complete

remediation necessary to safely reopen the little league baseball fields. The grant application requires City Council to adopt the attached resolution.

FISCAL IMPACT

The estimated cost to construct the soil cap, shotcrete sloped areas, and pave the proposed parking areas with asphalt pavement is \$1,276,500. This does not include the cost to reconstruct the baseball fields. If approved, the grant would provide \$750,000 toward these remediation costs. The County of San Diego, the City of Oceanside, and the City of Vista each have insurance coverage for the Vista Burnsite; however, the costs of remediation may be the subject of an indemnity dispute in the pending litigation.

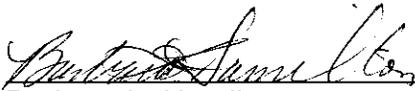
CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that City Council adopt a resolution approving an application for \$750,000 in grant funds from the California Integrated Waste Management Board Solid Waste Disposal and Codisposal Site Cleanup Program for site remediation, including capping of burn ash debris, at the Vista Burn Site.

PREPARED BY:



Barbara L. Hamilton
Assistant City Attorney

SUBMITTED BY:



Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
John P. Mullen, City Attorney



Attachment:
Resolution

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 OCEANSIDE APPROVING THE APPLICATION FOR GRANT
4 FUNDS FROM THE CALIFORNIA INTEGRATED WASTE
5 MANAGEMENT BOARD SOLID WASTE DISPOSAL AND
6 CODISPOSAL SITE CLEANUP PROGRAM FOR CAP
7 INSTALLATION OVER THE VISTA BURN SITE

8 WHEREAS, the people of the State of California have enacted Assembly Bill 2136 that
9 authorizes the California Integrated Waste Management Board (the Board) to initiate and
10 administer a program for cleanup of solid waste disposal sites and for cleanup of solid waste at
11 codisposal sites where the responsible party either cannot be identified or is unable or unwilling
12 to pay for timely remediation, and where cleanup is needed to protect public health and safety
13 or the environment;

14 WHEREAS, said procedures established by the Board require the applicant to certify by
15 resolution the approval of the submittal of the application before submission to the State of
16 California; and

17 WHEREAS, the applicant will enter into an agreement with the State of California for
18 the site cleanup.

19 NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

20 SECTION 1. Approves the filing of an application for the cleanup of solid waste using
21 funds from the Solid Waste Cleanup Program for the project specified above.

22 SECTION 2. Certifies that said applicant has or will have matching funds for the
23 project, plus funds to pay for all ineligible work and eligible work in excess of the grant
24 awarded.

25 SECTION 3. Certifies that said applicant has or will have sufficient funds to operate
26 and maintain the project.

27 SECTION 4. Appoints William Snyder of Murchison & Cumming LLP, or his
28 designee, as agent of the City Council of the City of Oceanside to conduct all negotiations,
execute and submit all documents including, but not limited to applications, grant agreements,
amendments, payment requests and so on, which may be necessary for the completion of the

