

(O-93-184)

ORDINANCE NUMBER O- 17965 (NEW SERIES)

ADOPTED ON SEP 07 1993

AN ORDINANCE OF THE CITY OF SAN DIEGO
PURSUANT TO SECTION 99 OF THE CITY CHARTER
RATIFYING AND AMENDING DOCUMENT NO. RR-
281140-1, RELATING TO AN AGREEMENT BETWEEN
THE CITY OF SAN DIEGO AND A JOINT VENTURE OF
SUPERIOR READY MIX CONCRETE L.P. AND WEST
COAST GENERAL CORPORATION REGARDING THE WEST
MIRAMAR LANDFILL AGGREGATE EXTRACTION
PROJECT.

WHEREAS, Resolution No. R-281140, adopted on November 23, 1992, authorized the City Manager to enter into an agreement with a Joint Venture of Superior Ready Mix Concrete L.P., and West Coast General Corporation for the excavation, processing and removal of aggregate material, dirt and sand from the Phase II area of West Miramar Landfill (Document No. RR-281140-1) and also authorized execution of an Amendment to the United States of America Grant of Easement N6247482RP00Q7 to permit the excavation and removal of aggregate resources from the Phase II portion of West Miramar Landfill (Document No. RR-281140-2); and

WHEREAS, Resolution No. R-281140 also authorized the City Manager to execute further amendments to the above documents as may be necessary to effect the removal of aggregate material from Phase II; and

WHEREAS, the Waste Management Department and the Contractor mutually desire to amend the agreement by amending three (3) sections, and eliminating one (1) of the existing sections of the agreement, as identified in Amendment No. 1; and

WHEREAS, on February 22, 1993, H.G. FENTON MATERIAL CO., ("Fenton") filed an action in the Superior Court of the State of California for the County of San Diego (Case No. 661487) naming as defendants the CITY OF SAN DIEGO ("City") and a joint venture of SUPERIOR READY MIX CONCRETE, L.P., and WEST COAST GENERAL CORPORATION ("Joint Venture") challenging, among other things, the validity of the agreement (Document No. RR-281140-1) between the City and the Joint Venture; and

WHEREAS, the proposed amendments are, in part, requirements of the Settlement of Case No. 661487 and no further amendments which are inconsistent with the Settlement shall be made to the agreement as amended by this Amendment No. 1; and

WHEREAS, any proposed amendments to this agreement shall be noticed to Fenton thirty (30) days prior to enactment; NOW THEREFORE,

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

Section 1. That the Agreement between The City of San Diego and a Joint Venture of Superior Ready Mix Concrete L.P. and West Coast General Corporation (Document No. RR-281140-1) for ten (10) years or life of the project is ratified by this ordinance.

Section 2. That the Agreement for Phase II Aggregate Extraction at West Miramar Landfill, between The City of San Diego and a Joint Venture of Superior Ready Mix Concrete L.P. and West Coast General Corporation, is amended by amending three (3) sections and eliminating one (1) of the existing sections of the Agreement as identified in Amendment No. 1, a copy of which is on file in the office of the City Clerk as Document No. 00- 17965

_____, as follows:

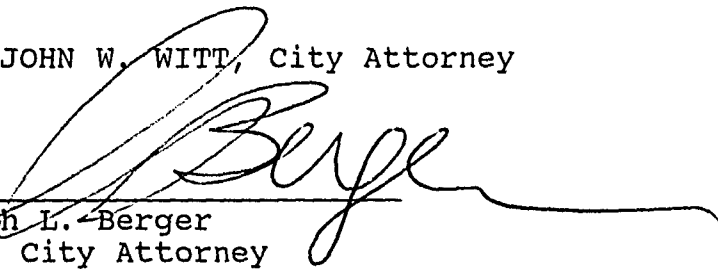
Substitute new language for Paragraph F., ARTICLE III: FINANCIAL CONSIDERATIONS, page 8. Amend Paragraph E., page 10, and Paragraph F., pages 10 and 11 of ARTICLE IV: SPECIAL PROVISIONS. Eliminate Paragraph M., ARTICLE IV: SPECIAL PROVISIONS, page 12.

Section 3. All other provisions of the Agreement on file as Document No. RR-281140-1 remain in full force and effect.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By


Deborah L. Berger
Deputy City Attorney

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CITY CLERKS OFFICE
SAN DIEGO, CA

SEP 07 1993

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Susana Vargas*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

AUG 10 1993, and on SEP 07 1993

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Susana Vargas*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17965 Adopted SEP 07 1993

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