

**18789**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON APR 10 2000

AN EMERGENCY ORDINANCE OF THE CITY OF SAN DIEGO  
AUTHORIZING EMERGENCY REPAIRS TO THE ALVARADO  
CANYON TRUNK SEWER TO PROTECT THE PUBLIC HEALTH,  
SAFETY AND ENVIRONMENT.

WHEREAS, San Diego City Charter section 17 provides for emergency ordinances that provide for the immediate preservation of public peace, property, health, and safety; and

WHEREAS, The City of San Diego suffered one of its largest sewer spills in Alvarado Creek from February 21 - February 28, 2000; and

WHEREAS, sewer crews worked tirelessly to repair the broken line; yet to adequately preserve the health, safety, and welfare of the citizenry, the relocation of approximately 1300 feet of sewage line is necessary and entails difficult tunneling under a major California freeway; and

WHEREAS, the Regional Water Quality Control Board issued a Notice of Violation under California Water Code section 13267 and has set a public hearing for May 10, 2000, to consider administrative civil liability under California Water Code section 13268. A civil penalty of \$10,000 per day and \$10 per gallon can be imposed for such violations; and

WHEREAS, the line that ruptured is approximately thirty-three years old, located in a deep canyon with difficult access, and even as repaired poses a significant threat to the health, safety, and welfare of the citizens of the City and their environment; and

WHEREAS, it is in the best interest of the City to have the present Alvarado Canyon sewer replaced and relocated in the most expeditious manner possible to preserve the peace, property, health, safety, and environment of the citizenry; and

WHEREAS, The City of San Diego has an existing contractual relationship with Balboa Construction, Inc., which is competent and capable of performing all the necessary work to expeditiously replace and relocate the Alvarado Canyon Trunk Sewer but is limited by monetary restrictions imposed by ordinance; and

WHEREAS, the City and Balboa Construction mutually desire to modify and extend the existing contract to accomplish this work to protect the environment; and

WHEREAS, the public benefits to be preserved by the adoption of an emergency ordinance far outweigh any benefits to be derived from the normal ordinance processing procedure since the purpose of the normal thirty-day delay of the effective date of an ordinance is to allow for referendum; NOW, THEREFORE,

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

Section 1. (a) That in order to extend the general requirements contract, on file in the office of the City Clerk as Document No. RR-291867, between the City of San Diego and Balboa Construction, Inc., the provisions of San Diego Municipal Code sections 22.3103 and 22.3104 are hereby waived, solely and exclusively to accomplish the repair and relocation of Alvarado Canyon Trunk Sewer.

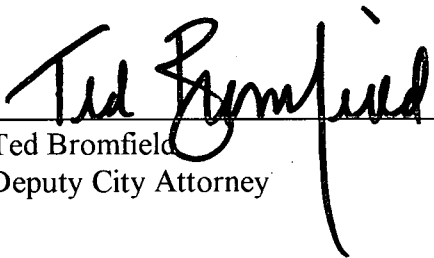
(b) That the City Manager is hereby authorized and empowered to negotiate and execute, for and on behalf of the City, all necessary documents to implement Task Order No. 98-0161, together with any reasonably necessary amendments or modifications thereto which do not increase the Task Order's scope or cost and which the City Manager shall deem necessary from time to time, in order to accomplish the repair and relocation of the Alvarado Canyon Trunk Sewer.

(c) That the expenditure of an amount not to exceed \$1,970,000 from Fund No. 41506, Annual Allocation - Infrastructure Upgrade, CIP 46-215.0, is hereby authorized, solely and exclusively to provide funds for the Alvarado Trunk Sewer Replacement Task Order.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. That this ordinance shall take effect immediately after its passage pursuant to San Diego City Charter section 17.

APPROVED: CASEY GWINN, City Attorney

By  \_\_\_\_\_  
Ted Bromfield  
Deputy City Attorney

TB:mb  
03/29/00  
Or.Dept:MWWD  
Aud.Cert:2000938  
O-2000-156  
Form=o&t.frm

The City of San Diego  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING DEPT. NO.: AC 2000938  
 773

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount 1,970,000.00 Fund 41506

Purpose Authorizing the expenditure of funds for the replacement of Alvarado Trunk Sewer (JOC - Job

Order Contract is under AC2000339).

Date March 28, 2000

By:   
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
01	0	41506	773	960	4278	176050				\$1,970,000.00
TOTAL AMOUNT										\$1,970,000.00

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$ \_\_\_\_\_

**ORIGINAL**

Vendor \_\_\_\_\_

Purpose \_\_\_\_\_

Date \_\_\_\_\_

By: \_\_\_\_\_  
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

APR 10 2000

0-18789