

RESOLUTION NUMBER R- 298503

ADOPTED ON OCT 20 2003

WHEREAS, on May 6, 2003, in accordance with Resolution No. R-297917, the City of San Diego and Stowe-Passco Development, Inc. entered into a Participation Agreement for Construction of the Otay Mesa Potable Water Facilities [Agreement], a copy of which is on file in the office of the City Clerk as Document No. RR-297917; and

WHEREAS, the Agreement provides for construction of certain work related to the South San Diego Pipeline #2 [SSDPL2] project; and

WHEREAS, following execution of the Agreement, funds were budgeted for construction of Segment S of the SSDPL2, which City desires to add to the work to be performed under the Agreement in order to complete the SSDPL2 in the most economical and efficient manner;

NOW, THEREFORE,

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

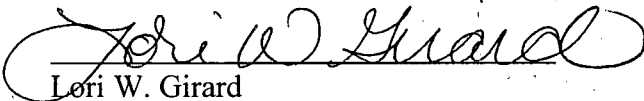
1. That the City Manager is authorized to execute, for and on behalf of the City, a First Amendment to Participation Agreement for Construction of the Otay Mesa Potable Water Facilities [First Amendment] with Stowe-Passco Development, Inc., under the terms and conditions set forth in the First Amendment on file in the office of the City Clerk as Document No. RR- 298503, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement.

2. That the expenditure of an amount not to exceed \$1,412,044 from Water Fund 41500, CIP 73-249.0, South San Diego Pipeline No. 2, is authorized solely and exclusively for the purpose of funding the First Amendment and related in-house engineering costs.

3. That the City Auditor and Comptroller is authorized, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

APPROVED: CASEY GWINN, City Attorney

By



Lori W. Girard
Deputy City Attorney

LWG:sc:lc

09/29/03

Aud.Cert: 2400336

Or.Dept: Water

R-2004-345

Form=auagr.frm

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2400336

ORIGINATING

DEPT. NO.: 760

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: \$131,654.00 Fund: 41500

Purpose: Authorizing the expenditure of funds for the related costs in the construction of South San Diego Pipeline No. 2, CIP73-249.0.

Date: September 23, 2003

By: *Erin*
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 | 41500 | 760 | 391040 | 4278 | 184700 | | | | | \$131,654.00 |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| TOTAL AMOUNT | | | | | | | | | | | \$131,654.00 |

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: \$1,280,390.00

Vendor: Stowe-Passco Development, Inc.

Purpose: Authorizing the increase of expenditure of funds for the First Amendment to the Otay Mesa Potable Water Facilities Participation Agreement In the construction of South San Diego Pipeline No. 2, CIP73-249.0.

Date: September 23, 2003

By: *Erin*
AUDITOR AND COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA | | | | | | | | | | | |
|-----------------|-------|-------|------|--------|---------|-----------|-------------------|-------|-------|----------|----------------|
| ACCTG. LINE | CY PY | FUND | DEPT | ORG. | ACCOUNT | JOB ORDER | OPERATION ACCOUNT | BENF/ | EQUIP | FACILITY | AMOUNT |
| 02 | 0 | 41500 | 760 | 391040 | 4240 | 184704 | | | | | \$1,280,390.00 |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| TOTAL AMOUNT | | | | | | | | | | | \$1,412,044.00 |

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2400336

R 298503

OCT 20 2003