

(R-2004-727)

RESOLUTION NUMBER R- 298803

ADOPTED ON JAN 20 2004

RESOLUTION ACCELERATING CONSTRUCTION OF
PORTIONS OF PHASE II OF THE OTAY MESA TRUNK
SEWER AND OTHER RELATED ACTIONS

WHEREAS, on December 3, 2001, the San Diego City Council approved the Participation Agreement with Pardee Construction Company for planning and design of Phase II of the Otay Mesa Trunk Sewer, on file in the Office of the City Clerk as Document No. RR-295816; and

WHEREAS, as a component of the Princess Park Estates subdivision, located within the California Terraces Precise Plan, improvements must be made to Old Otay Mesa Road; and

WHEREAS, certain portions of Phase II of the Otay Mesa Trunk Sewer will be constructed along and underneath Old Otay Mesa Road; and

WHEREAS, accelerating construction of the sewer where the Old Otay Mesa Road improvements will occur will avoid excavating and damaging the new street surface; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager is hereby authorized and empowered to negotiate and execute, for and on behalf of the City, a First Amendment to the Participation Agreement with Pardee Construction Company to accelerate design and construction of certain portions of Phase II of the Otay Mesa Trunk Sewer affecting the Old Otay Mesa Road improvements, for an additional amount not to exceed \$6,192,407.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and empowered to revise the contract phase funding schedule with Pardee Construction Company as follows, with a total authorization not to exceed \$12,550,347:

Funding Phase	Fiscal Year	Amount	Comment
Phase 1	2002	\$2,058,990	
Phase 2	2004	\$1,294,357	
Phase 3	2005	\$3,004,593	Contingent on Council approval of this funding in the originating department's FY 2005 operating budget.
Phase 4	2005	\$6,192,407	Contingent on Council approval of this funding in the originating department's FY 2005 operating budget.
Total		\$12,550,347	

BE IT FURTHER RESOLVED, that the funding of Phase 2 per the revised phase funding schedule set forth above in the amount of \$1,294,357 from CIP 40-930.0, Otay Mesa Trunk Sewer, is hereby approved.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and empowered to execute, for and on behalf of the City, a consultant agreement with Berryman & Henigar for Cost Reimbursement Engineering, for an amount not to exceed \$112,900 under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR- 298803.

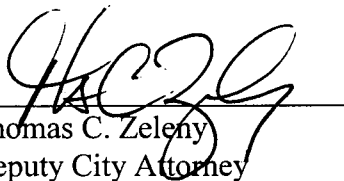
BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$7,437,307 from Sewer Fund 41506, CIP 40-930.0, Otay Mesa Trunk Sewer, is hereby authorized, solely and exclusively to provide funds for the above project, of which \$6,192,407 is for the purpose funding Amendment No. 1 to the Participation Agreement, \$112,900 is for

funding the consultant agreement with Berryman & Henigar, \$620,000 for related costs, and \$512,000 for project contingency (to be transferred as needed from Fund 41506, CIP 46-193.0, Pooled Contingencies), provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City treasury.

BE IT FURTHER RESOLVED, that of said expenditure not to exceed \$7,437,307 set forth above, \$404,900 is to be funded in Fiscal Year 2004, and \$7,032,407 will be funded in Fiscal Year 2005 contingent on Council approval of this funding in the originating department's FY 2005 operating budget.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

APPROVED: CASEY GWINN, City Attorney

By 
Thomas C. Zeleny
Deputy City Attorney

TCZ:sc
01/14/04
Or.Dept:MWWD
R-2004-727
Aud. Cert.: 2400682
2400683

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

AC 2400682
DEPT. _____
NO. 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: _____ Fund: _____

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

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: \$112,900.00

Vendor: Berryman & Henigar

Purpose: Authorizing the expenditure of funds for professional consultant services for cost reimbursement engineering for Otay Trunk Sewer project.

Date: January 14, 2004

By: *Victoria De Losa*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	41506	773	960	4278	176360				\$112,900.00
TOTAL AMOUNT										

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2400682

R - 298803

JAN 20 2004