

ORDINANCE NUMBER O- **19710** (NEW SERIES)

DATE OF FINAL PASSAGE **JAN 31 2008**

AN ORDINANCE APPROVING OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE THIRD AMENDMENT TO THE AGREEMENT BETWEEN MWH AMERICAS, INC. AND CITY OF SAN DIEGO FOR CONSULTING SERVICES AND AUTHORIZING THE EXPENDITURE OF FUNDS

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

Section 1: Authorizing the appropriation and expenditure of an amount not to exceed \$1,748,579.00 from Water Fund 41500, CIP73-285.0, Otay Water Treatment Plant Upgrades Phase I, and \$1,009,015.00 from Phase II for MWH Americas, Inc. Third Amendment to its Agreement.

Section 2: Authorizing the Mayor or his designee to execute a Third Amendment to the Agreement with MWH Americas, Inc. for design services during the bid, award, construction, and closeout period for Otay Water Treatment Plant Upgrades Phase I and II in an amount not to exceed \$2,757,594.00 provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 3: That the City Auditor and Comptroller is authorized, upon advice from the Administering Department, to transfer excess funds, if any, to the appropriate reserves.

Section 4: This activity is covered under Otay Water Treatment Plant Upgrade Mitigated Negative Declaration (LDR No 40-0932). The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Since the prior environmental

document adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

Section 5: 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 judgment.

Section 6: That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Mark M. Mercer
Mark M. Mercer
Deputy City Attorney

MMM:sb
11/19/07
Or.Dept:Eng&CP

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 22 2008.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 1-31-08
(date)

[Signature]
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2800406
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: _____ 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: \$1,718,162.40

Vendor: MWH Americas, Inc.

Purpose: Authorizing the expenditure of funds for consulting and design services for Otay Water Treatment Plant Upgrades Phase I, and Phase II, CIP 732850 / 732852.

Date: November 21, 2007

By: *Yeshi Bezumel*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	41500	760	391020	4118	188462				\$669,015.00
002	0	41500	760	391020	4118	182492				1,049,147.40
TOTAL AMOUNT										\$1,718,162.40

AC-361 (REV 2-92)

FUND OVERRIDE

0- 15710

JAN 22 2008

AC 2800406