

ORDINANCE NUMBER O- 19764 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 26 2008

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING GRANT APPLICATION TO CALTRANS FOR THE FIRST AVENUE BRIDGE OVER MAPLE CANYON PROJECT.

WHEREAS, the City and Consultant [collectively referenced herein as “the Parties”] entered into the Agreement, which is on file in the Office of the City Clerk as Document No. RR-298585, to provide professional engineering services to retrofit and paint the 1<sup>st</sup> Avenue Bridge over Maple Canyon; and

WHEREAS, the Parties entered into a First Amendment to the Agreement, which is on file in the Office of the City Clerk as Document No. RR-301204, for additional work that was not included in the Original Agreement due to an expanded scope of services; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement, which is on file in the Office of the City Clerk as Document No. RR-302802, for additional design services and detailing rehabilitation countermeasures that are outside the scope of the Contract and First Amendment; and

WHEREAS, the City desires to execute a Third Amendment to the Agreement with the Consultant to provide bid and construction support services which are outside the current scope, in an amount not to exceed \$291,730.00; and

WHEREAS, Consultant desires to provide the services required under this Third Amendment; NOW, THEREFORE,

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

Section 1. That the Mayor, or designee, is authorized and empowered for and on behalf of the City to make an application to CALTRANS to secure funding in the amount of \$10,492,572.00 of which \$5,388,359.00 is from the Highway Bridge Program (HBP-Seismic) and \$4,406,094.00 is from the Highway Bridge Program (HBP-Paint), and \$698,119.00 is from Prop 1B Bond funds, Local Seismic Safety Retrofit Program (LSSR), for the construction, construction engineering, and contingency of the Seismic Retrofit and Painting of First Avenue Bridge Over Maple Canyon , CIP 52-554.0 [Project].

Section 2. That the Mayor, or designee, is authorized and empowered to take all necessary actions to secure funds from CALTRANS for the Project.

Section 3. That the Mayor, or designee, is authorized to accept grant funds, in the amount of \$10,492,572.00 for the Project.

Section 4. That the City Auditor and Comptroller is authorized to accept, appropriate and expend funds if the grant funding is secured.

Section 5. That the City Auditor and Comptroller is authorized to establish three special interest-bearing funds for the HBP-Seismic, HBP-Paint, and LSSRP funds, contingent upon receipt of fully executed grant agreements.

Section 6. That Fiscal Year 2008 Capital Improvements Program Budget is amended by increasing CIP 52-554.0 by \$10,492,572.00, contingent upon receipt of a fully executed grant agreement.

Section 7. That the expenditure of an amount not to exceed \$10,492,572.00 from CIP 52-554.0, Seismic Retrofit and Painting of First Avenue Bridge Over Maple Canyon, of which \$5,388,359.00 is from the Highway Bridge Program (HBP-Seismic) and \$4,406,094.00 is from the Highway Bridge Program (HBP-Paint), and \$698,119.00 is from Prop 1B Bond funds, Local

Seismic Safety Retrofit Program (LSSR) is hereby authorized for the purpose of providing funds for the Project, 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 8. That the plans and specifications for the construction of Seismic Retrofit and Painting of First Avenue Bridge Over Maple Canyon [Project], filed in the office of the City Clerk as Document No. W.O. 112289, are approved.

Section 9. That, after advertising for bids in accordance with law, the Mayor is authorized to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$13,067,952.00, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 10. That the Mayor be and he is hereby authorized and empowered to execute, for and on behalf of said City, a Third Amendment to the Agreement with T.Y. Lin International, for construction support in CIP 52-554.00, Seismic Retrofit and Painting of First Avenue Bridge Over Maple Canyon under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. <sup>00-</sup>19764

Section 11. That the expenditure of an amount not to exceed \$291,730.00 from CIP 52-554.0, Seismic Retrofit and Painting of First Avenue Bridge Over Maple Canyon, is authorized contingent upon the Auditor and Comptroller first certifying that funds are available, for the purpose of executing the Third Amendment to the Agreement for the above referenced Project.


Section 12. That the City Auditor and Comptroller is authorized, upon advice from the administering department, to return excess budgeted funds, if any, to the appropriate reserves.

Section 13. That the City of San Diego as Lead Agency under CEQA has reviewed and considered the final MND No. 100484, dated April 18, 2007, prior to approving the project.

Section 14. 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 15. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Ryan Kohut  
Deputy City Attorney

RK:cfq  
05/12/08  
Or.Dept:E&CP  
AC#:2800782  
O-2008-156

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 24 2008.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 6-24-08  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2800782  
ORIGINATING DEPT. NO.: 446

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: \$291,730.00

Vendor: T.Y. Lin International

Purpose: Authorizing the execution of the Third Amendment to the Agreement to provide construction support for Seismic Retrofit and Painting of First Avenue Bridge over Maple Canyon. CIP 52-554.0

Date: May 8, 2008 By: Rob Russett  
AUDITOR AND COMPTROLLER'S DEPARTMENT *CME*

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0		30244	107	4279	525540		30300		\$291,730.00
TOTAL AMOUNT										\$291,730.00

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2800782

0-19764

JUN 24 2008