

331

(R-2009-713)

RESOLUTION NUMBER R- 304589

DATE OF FINAL PASSAGE JAN 15 2009

A RESOLUTION OF THE CITY COUNCIL RATIFYING
EMERGENCY SOLE SOURCE CONTRACTS;
TRANSFERRING AND EXPENDING FUNDS; AND TAKING
RELATED ACTIONS REGARDING THE RUFFIN ROAD
STORM DRAIN EMERGENCY REPAIR PROJECT.

WHEREAS, in April 2008, the failure of the City's storm drain pipe at 4141 Ruffin Road created an immediate threat to public health and safety; and

WHEREAS, pursuant to Municipal Code section 22.3212(c), the Purchasing Agent notified the City Council of the emergency award of sole source contracts to repair the storm drain by Memorandum dated April 25, 2008; NOW, THEREFORE,

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

1. That the Council hereby ratifies the sole source design contract with Harris & Associates and the first amendment thereto, on file in the office of the City Clerk as Document Nos. C-14581 and C-14655 respectively, in connection with the Ruffin Road Storm Drain Emergency Repair Project, in an amount not to exceed \$322,762.00.

2. That the Mayor or his designee is hereby authorized to execute a second amendment to the design contract with Harris & Associates in an amount not to exceed \$54,590.00, a copy of which is on file in the office of the City Clerk as Document No. RR- 304589.

3. That the Council hereby ratifies the sole source construction contract with Cass Construction, Inc. in connection with the Ruffin Road Storm Drain Emergency Repair Project,

in an amount not to exceed \$1,700,000.00, a copy of which is on file in the office of the City Clerk as Document No. C-14613.

4. That an increase to the Fiscal Year 2009 Capital Improvements Program budget is hereby authorized by an amount not to exceed \$2,610,131.35 in CIP 13-005.0, Emergency Drainage Projects (Job Order 130092 – Ruffin Road Storm Drain Emergency Repair), provided that the City Comptroller furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

5. That the City Comptroller is hereby authorized to transfer the following amounts:

- (a) \$910,131.35 from General Fund – General Services Department, Fund No. 100, Dept 534, to Fund No. 630221, General Fund Contributions to the CIP.
- (b) \$910,135.00 in expenditures and encumbrances from General Fund – General Services Department, Fund No. 100, Dept 534, Job Order 007011, to CIP 13-005.0, Emergency Drainage Projects (Job Order 130092 – Ruffin Road Storm Drain Emergency Repair).
- (c) \$700,000.00 from General Fund – Storm Water Department, Fund No. 100, Dept 533, Job Order 007816 and Job Order 007800, to CIP 13-005.0, Emergency Drainage Projects (Job Order 130092 – Ruffin Road Storm Drain Emergency Repair).
- (d) \$1,000,000.00 from General Fund - Storm Water Department, Fund No. 100, Dept 533, to Fund 630221, General Fund Contributions to the CIP, and \$500,000.00 and \$200,000.00 from previously encumbered funds in Auditor's Certificate Nos. 2900142 and 2800789 respectively.

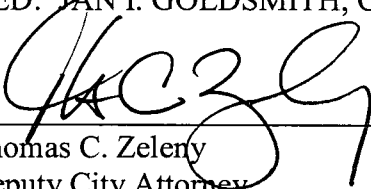
6. That the City Comptroller is further authorized to appropriate and expend an amount not to exceed \$2,610,131.35 from Fund No. 630221, General Fund Contributions to the CIP, CIP 13-005.0, Emergency Drainage Projects (Job Order 130092 – Ruffin Road Storm Drain Emergency Repair), solely and exclusively to provide funds for the above agreements and related costs.

7. That the City Comptroller is further authorized to return excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

8. That the above activities are statutorily exempt from the California Environmental Quality Act pursuant to CEQA Guidelines sections 15269(b) and 15269(c) as an emergency project necessary to repair public facilities essential to public health, safety, and welfare, and to prevent or mitigate an emergency.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

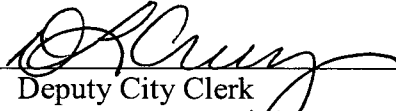


Thomas C. Zeleny
Deputy City Attorney

TCZ:mb
12/01/08
Cert.No:2900467
Or.Dept:Eng&CP
R-2009-713

I hereby certify that the foregoing Resolution was passed by the Council of the City of Diego,
at its meeting of JAN 13 2009.

ELIZABETH S. MALAND, City Clerk

By 
Deputy City Clerk

Approved: Jan 15, 09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE
ORIGINATING

AC 2900467
 DEPT. _____
 NO.: 547

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: \$2,554,541.35 Fund: 100

Purpose: Authorizing the transfer of funds for the Ruffin Road storm drain emergency repair project. (\$1,554,541.35 is currently encumbered/expended in POs with Cass and Harris and will be transferred to the CIP Project The remaining \$1 Million is additional funding that will be added to the project budget.)

Date: _____ By: Bryce Collins 

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT	
001	0	100	533	2000	4222	007800				\$944,410.00	
002	0	100	534	2755	4222	004420				600,000.00	
003	0	100	534	2707	4222	007011				51,218.35	
004	1	100	534	2707	4222	007011				258,913.00	
005	0	100	533	2000	4222	007816				200,000.00	
006	0	100	533	2000	4222	007800				500,000.00	
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: \$55,590.00

Vendor: Harris & Associates

Purpose: Executing Amendment #2 to the contract for the design of the Ruffin Road storm drain emergency repair project

Date: December 16, 2008 By: Bryce Collins 

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT	
007	0	100	533	2000	4222	007800				55,590.00	
TOTAL										\$55,590.00	

FUND OVERRIDE

AC 2900467
 JAN 13 2009

R 304589