

(R-2009-907)

331
3/10/09

RESOLUTION NUMBER R- **304725**
DATE OF FINAL PASSAGE **MAR 11 2009**

A RESOLUTION OF THE CITY COUNCIL RATIFYING SOLE SOURCE CONTRACT; TRANSFERRING AND EXPENDING FUNDS; AND TAKING RELATED ACTIONS IN CONNECTION WITH REPAIRS TO ROADS DAMAGED BY THE LANDSLIDE ON MOUNT SOLEDAD .

WHEREAS, on October 5, 2007, the City Council ratified the Mayor's declaration of a State of Local Emergency due to the landslide on Soledad Mountain Road in Resolution No. R-303041; and

WHEREAS, on December 4, 2007, the City Council authorized the expenditure of \$20 million to repair damage caused by the landslide on Soledad Mountain Road in Resolution No. R-303265; and

WHEREAS, Soledad Mountain Road was re-opened for traffic on October 16, 2008, and repairs to Desert View Drive are continuing; and

WHEREAS, the City is receiving financial assistance from the state and federal governments to complete repairs to roads damaged by the landslide on Mount Soledad Road; and

WHEREAS, the total estimated cost for completion of repairs is \$27,235,795, which exceeds the amount currently authorized by City Council; NOW, THEREFORE,

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

1. That the Council hereby authorizes total expenditures for the Soledad Mountain Road and Desert View Drive Repair Projects, CIP 52-805.0, in an amount not to exceed \$27,235,975.

2. That an increase to the Fiscal Year 2009 Capital Improvements Program budget is authorized by the amount not to exceed \$4,481,459 in Fund No. 38919, CIP 52-805.0, Soledad Mountain Road Emergency Repair.

3. That the City Comptroller is further authorized to accept, appropriate, and expend an additional amount not to exceed \$4,481,459 from Fund No. 38919, CIP 52-805.0, Soledad Mountain Road Emergency Repair, bringing the total not to exceed amount to \$24,481,459 from grant funding sources.

4. That the City Council ratifies the sole source consultant agreement with Helenschmidt Geotechnical, Inc. and the amendments thereto, on file with the City Clerk as Document Nos. C-14414, C-14840-1, and C-14840-2, for the Soledad Mountain Road Emergency Repair Project, in the total amount of \$2,315,527 for geotechnical consultant services related to the repair of damage caused by the landslide on Mount Soledad Road.

5. That the City Council authorizes the Mayor or his designee to negotiate and execute one or more amendments to the construction contract with Hazard Construction Company in a cumulative amount not to exceed \$2,315,749 consisting of \$1,386,425 for the repair of Soledad Mountain Road and \$929,324 for the repair of Desert View Drive; provided that the City Comptroller first furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer.

6. That the expenditure of an amount not to exceed \$1,386,425 from Fund No. 38919, FHWA, CIP 52-805.0, Soledad Mountain Road Emergency Repair, is authorized, solely and exclusively to provide funds for the construction contract with Hazard Construction Company; provided that the City Comptroller furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer.

7. That the expenditure of an amount not to exceed \$929,324 from Fund No. 18903, OES, CIP 52-805.0, Desert View Drive Alley (Job Order 528051), is authorized, solely and exclusively to provide funds for the contract with Hazard Construction Company; provided that the City Comptroller furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer.

8. That the City Comptroller is authorized to transfer current and prior year General Fund expenditures in an amount not to exceed \$1,500,000 from Job Order 992019, Soledad Mountain Road, to CIP 52-805.0, Soledad Mountain Road Repair.

9. That the City Comptroller is further authorized to appropriate and expend an amount not to exceed \$2,000,000 from Fund No. 30307, Prop 42, CIP 52-805.0, Soledad Mountain Road Repair, solely and exclusively to provide the City's matching grant funds.

10. That the City Comptroller is further authorized to transfer an amount not to exceed \$829,336 from Fund No. 30300, TransNet, CIP 59-021.0, Transportation Grant Matches, to CIP 52-805.0, Soledad Mountain Road Repair, solely and exclusively to provide the City's matching grant funds, provided that the City Comptroller furnishes one or more certificates demonstrating that the funds necessary for this transfer are, or will be, on deposit with the City Treasurer.

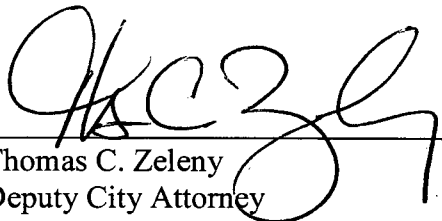
11. That the City Comptroller is further authorized to appropriate and expend an amount not to exceed \$829,336 from CIP 52-805.0, Soledad Mountain Road Repair, solely and exclusively for design, construction, and related project costs.

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

13. That the above activities are statutorily exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15269(a) as activities taken to maintain,

repair, restore, demolish, or replace property or facilities damaged or destroyed as the result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed.


APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Thomas C. Zeleny
Deputy City Attorney

TCZ:mb
02/24/09
Cert.No:2900583
Or.Dept:Eng&CP
R-2009-907

I hereby certify that the foregoing Resolution was passed by the Council of the City of Diego, at its meeting of MAR 10 2009

ELIZABETH S. MALAND, City Clerk

By 
Deputy City Clerk

Approved: 3-11-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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


CERTIFICATE OF UNALLOTTED BALANCE

AC 2900583
ORIGINATING 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: \$5,310,795.00 Fund: 38919

Purpose: _____

Date: February 10, 2009 By: James Long 
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	38919			9544					\$4,481,459.00
002	0	30244	30244	107	4279	590210		30300		829,336.00
TOTAL AMOUNT										\$5,310,795.00

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: _____

Vendor: _____

Purpose: _____

Date: _____ By: James Long 
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										

AC-361 (REV 2-92) FUND OVERRIDE

AC 2900583

R 304725

MAR 10 2009