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RESOLUTION NUMBER R- 305021
DATE OF FINAL PASSAGE JUL 02 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE AWARD AND EXECUTION OF A DESIGN BUILD CONTRACT TO J.R. FILANC CONSTRUCTION COMPANY, INC. FOR CONSTRUCTION OF FLUORIDATION FACILITIES.

WHEREAS, the "California Safe Drinking Water Act" [Act] requires fluoridation of the City of San Diego's public water system following receipt of a reasonable offer from an outside source for fluoridation funding, with the Act mandating completion of the design and construction of the facilities within two (2) years of the outside funding offer; and

WHEREAS, on June 10, 2008, by Resolution R-303832, the City Council of the City of San Diego accepted a funding offer from the First 5 Commission of San Diego County [First 5] for up to \$3,927,016 for the purpose of fluoridating the City of San Diego's potable water supply under the Act; and

WHEREAS, in order to comply with the Act, the City of San Diego Water Department subsequently entered into a Funding Agreement with First 5 to provide outside funding for the cost of the construction work, consisting of all labor, materials, equipment, services, instrumentation and controls, along with two (2) years of operations and maintenance [Fluoridation Facilities Project]; and

WHEREAS, this project is statutorily exempt from California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15282(m); NOW, THEREFORE;

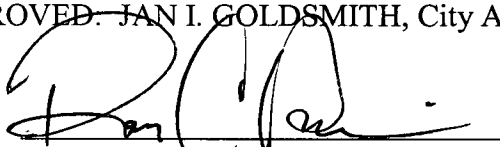
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Mayor, or his designee, is authorized to amend the Fiscal Year 2009 Capital Improvement Program by adding CIP No. 72-935.0, Fluoridation Facilities.
2. That the City Comptroller is authorized to transfer an amount not to exceed \$3,227,016 from CIP 73-314.0 San Diego 17 Pump Station & Flow Control Facility, Fund 41500, Water, to Dedicated Reserve from Efficiencies and Savings Fund [DRES] 41500, Account 895045.
3. That the City Comptroller is authorized to transfer an amount not to exceed \$3,227,016 from DRES, Fund 41500, Account 895045 to CIP 72-935.0, Fluoridation Facilities Project, within Fund 41500, Water.
4. That the City Comptroller is authorized to appropriate and expend an amount not to exceed \$3,227,016 from CIP 72-935.0, Fluoridation Facilities Project, Fund 41500, Water, in order to design, construct and operate facilities for the purpose of fluoridating the water supply in the City of San Diego.
5. That the Mayor, or his designee, is authorized to award and execute the Design-Build contract to J.R. Filanc Construction Company, Inc. for the construction of Fluoridation Facilities for Alvarado, Miramar and Otay Water Treatment Plants, in an amount not to exceed \$2,568,052.00, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR- 305021, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement.

6. That the City Comptroller, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

7. That the Mayor or his designee is authorized to negotiate and execute a First Amendment to the Financing Agreement between the City and the First 5 Commission of San Diego to place the funds referenced therein into an escrow account as described in the June 23, 2009 letter from the First 5 Commission of San Diego, with escrow fees paid by the City not to exceed \$2,000.


APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Raymond C. Palmucci
Deputy City Attorney

RCP:sc
06/24/09
Aud.Cert.:
Or.Dept:E&CP
R-2009-1160 (Revised)

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 23 2009

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7-2-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor