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RESOLUTION NUMBER R- 307098

DATE OF FINAL PASSAGE NOV 17 2011

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING EIGHT MAINTENANCE CONTRACTS FOR PARK AND RECREATION ADMINISTERED MAINTENANCE ASSESSMENT DISTRICTS AND CITYWIDE OPEN SPACE.

WHEREAS, eight landscape and tree maintenance contracts were bid and awarded between 2007 and 2010 that have or will exceed \$1,000,000 in total expenditures over the total five-year contract period; and

WHEREAS, contracts which exceed \$1,000,000 require City Council approval in accordance with San Diego Municipal Code §22.3211(d); and

WHEREAS, these contracts were awarded prior to a Memorandum of Law (ML 2009-20) issued by the Office of the City Attorney clarified City staff's understanding of the requirements of San Diego Municipal Code §22.3211(d); and

WHEREAS, after realizing that Council approval is required for these older contracts, City staff authorized the vendor to continue the provision of services contingent on Council approval.

WHEREAS, if City Council does not approve the contracts, then the contracts will be terminated and the services will be re-bid; and

WHEREAS, this action will authorize and ratify: the execution of the initial two-year term; the execution of up to three one-year extensions; and the expenditure of funds, contingent upon the City Council authorizing the levy of assessments within the district for each fiscal year

of the contract and the City Council adopting the Appropriation Ordinance for each fiscal year of the contract; 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 award and execute, for and on behalf of the City, eight phase-funded contracts as follows: Aztec Landscaping, Inc. (Bid Number 8837-07-Q, Carmel Valley Maintenance Assessment District); Landscapes USA, Inc. (Bid Number 8421-07-Y, Carmel Valley Maintenance Assessment District); Aztec Landscaping, Inc. (Bid Number 8758-07-Q, El Cajon Boulevard, Hillcrest East, North Park, Talmadge, and University Heights Maintenance Assessment Districts); Brewer Lawn Maintenance, Inc. (Bid Number 8901-07-Q, Mira Mesa Maintenance Assessment District); Landscapes USA, Inc. (Bid Number 8494-07-Y-Q, Scripps-Miramar Ranch Maintenance Assessment District); Contemporary Design Landscapes (Bid Number 8609-07-Y, Stonecrest Village Maintenance Assessment District); Treebeard Landscape, Inc. (Bid Number 9093-08-Q, Tierrasanta Maintenance Assessment District); and Atlas Environmental Services, Inc. (Bid Number 8646-07-Y, Tierrasanta Maintenance Assessment District and Citywide Open Space) for landscape and tree maintenance services having an initial term of two years.

2. That the Mayor or his designee is authorized to exercise up to three one-year contract extension options for each of the above eight contracts, contingent upon adoption of the resolution authorizing the levy of assessments within the Maintenance Assessment District (MAD) and the annual budget Appropriation Ordinance for the applicable fiscal year, and provided that the Chief Financial Officer first furnishes one or more certificates that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

3. That, for Bid Number 8837-07-Q (Aztec Landscaping), the Chief Financial Officer is authorized to expend an amount not to exceed \$3,103,717 over five years (\$692,049 in Fiscal Year 2012) from Fund No. 200033, Carmel Valley Maintenance Assessment District, for the purpose of funding the above contract, contingent upon adoption of the resolution authorizing the levy of assessments within the MAD and the annual budget Appropriation Ordinance for the applicable fiscal year, and provided that the Chief Financial Officer first furnishes one or more certificates that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

4. That, for Bid Number 8421-07-Y (Landscapes USA), the Chief Financial Officer is authorized to expend an amount not to exceed \$1,505,686 over five years (\$204,748 in Fiscal Year 2012) from Fund No. 200033, Carmel Valley Maintenance Assessment District, for the purpose of funding the above contract, contingent upon adoption of the resolution authorizing the levy of assessments within the MAD and the annual budget Appropriation Ordinance for the applicable fiscal year, and provided that the Chief Financial Officer first furnishes one or more certificates that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

5. That, for Bid Number 8758-07-Q (Aztec Landscaping), the Chief Financial Officer is authorized to expend an amount not to exceed \$1,470,028 over five years (\$294,752 in Fiscal Year 2012) from Fund No. 200095, El Cajon Boulevard Maintenance Assessment District; Fund No. 200094, Hillcrest East/University Avenue Maintenance Assessment District; Fund No. 200063, North Park Maintenance Assessment District; Fund No. 200076, Talmadge Maintenance Assessment District; and Fund No. 200093, University Heights Maintenance Assessment District, for the purpose of funding the above contract, contingent upon adoption of

the resolution authorizing the levy of assessments within the MAD and the annual budget Appropriation Ordinance for the applicable fiscal year, and provided that the Chief Financial Officer first furnishes one or more certificates that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

6. That, for Bid Number 8901-07-Q (Brewer), the Chief Financial Officer is authorized to expend an amount not to exceed \$2,314,802 over five years (\$675,539 in Fiscal Year 2012) from Fund No. 200037, Mira Mesa Maintenance Assessment District, for the purpose of funding the above contract, contingent upon adoption of the resolution authorizing the levy of assessments within the MAD and the annual budget Appropriation Ordinance for the applicable fiscal year, and provided that the Chief Financial Officer first furnishes one or more certificates that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

7. That, for Bid Number 8494-07-Y (Landscapes USA), the Chief Financial Officer is authorized to expend an amount not to exceed \$2,180,892 over five years (\$407,739 in Fiscal Year 2012) from Fund No. 200028, Scripps-Miramar Ranch Maintenance Assessment District for the purpose of funding the above contract, contingent upon adoption of the resolution authorizing the levy of assessments within the MAD and the annual budget Appropriation Ordinance for the applicable fiscal year, and provided that the Chief Financial Officer first furnishes one or more certificates that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

8. That, for Bid Number 8609-07-Y (Contemporary Design Landscapes), the Chief Financial Officer is authorized to expend an amount not to exceed \$1,275,574 over five years (\$293,235 in Fiscal Year 2012) from Fund No. 200067, Stonecrest Village Maintenance

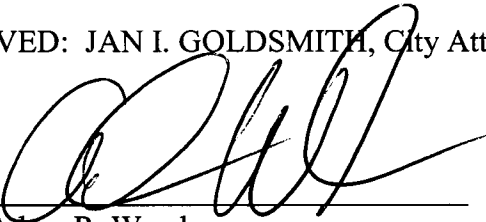
Assessment District, for the purpose of funding the above contract, contingent upon adoption of the resolution authorizing the levy of assessments within the MAD and the annual budget Appropriation Ordinance for the applicable fiscal year, and provided that the Chief Financial Officer first furnishes one or more certificates that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

9. That, for Bid Number 9093-08-Q (Treebeard), the Chief Financial Officer is authorized to expend an amount not to exceed \$3,303,196 over five years (\$744,640 in Fiscal Year 2012) from Fund No. 200030, Tierrasanta Maintenance Assessment District, for the purpose of funding the above contract, contingent upon adoption of the resolution authorizing the levy of assessments within the MAD and the annual budget Appropriation Ordinance for the applicable fiscal year, and provided that the Chief Financial Officer first furnishes one or more certificates that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

10. That, for Bid Number 8646-07-Y (Atlas Environmental), the Chief Financial Officer is authorized to expend an amount not to exceed \$1,539,763 over five years (\$343,018 in Fiscal Year 2012) Fund No. 200030, Tierrasanta Maintenance Assessment District, and Fund No. 100000, Cost Center 1714151118, Park and Recreation Department/Open Space Division, for the purpose of funding the above contract, contingent upon adoption of the resolution authorizing the levy of assessments within the MAD and the annual budget Appropriation

Ordinance for the applicable fiscal year, and provided that the Chief Financial Officer first furnishes one or more certificates that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

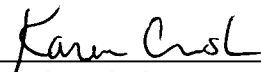
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Adam R. Wander  
Deputy City Attorney

ARW:js  
10/24/2011  
Or.Dept: Park & Rec  
R-2012-207

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ~~NOV 8 2011~~ ~~NOV 8 2011~~

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 11-17-11  
(date)

  
JERRY SANDERS, Mayor

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

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JERRY SANDERS, Mayor