

#57  
11/10

ORDINANCE NUMBER O- 20434 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 25 2014

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE EXECUTION OF THE  
THIRD AMENDMENT TO THE COOPERATIVE  
AGREEMENT WITH CALTRANS FOR THE CONSTRUCTION  
OF CARROLL CANYON ROAD EXTENSION PROJECT.

WHEREAS, on May 19, 2009, the City of San Diego [City] and Caltrans entered into a Cooperative Agreement, on file in the Office of the City Clerk as Resolution No. R-304921; and

WHEREAS, the cooperative agreement established Caltrans as Lead Agency and the City as Responsible Agency for the preparation of environmental documents for the project; and to commit the City of San Diego to a one-time lump sum amount of \$11,700,000 for the design and construction of the Carroll Canyon Road Extension Project; and to transfer City owned land parcels required to the State for the project; and

WHEREAS, the City now desires a Third Amendment to the Agreement to compensate Caltrans for the reconstruction of the City's existing storm drain system in Carroll Canyon Road in an amount not extend \$900,000, so that the total cost to the City for the Carroll Canyon Road Extension Project with Caltrans will be \$12,600,000; and

WHEREAS, the Third Amendment to the Agreement with Caltrans will extend the total term of the Agreement beyond five years;

WHEREAS, under San Diego Charter section 99, no contract, agreement or obligation extending for a period of more than five years may be authorized except by ordinance adopted by a two-thirds' majority vote of the City Council; NOW, THEREFORE;

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

Section 1. That the Mayor or his designee is authorized to execute for and on behalf of the City, the Third Amendment to the Cooperative Agreement with Caltrans, for the construction of Carroll Canyon Road Extension in A-CA.00001, Drainage Projects, CIP B-14129, Carroll Canyon Road Storm Drain Replacement, in an amount not to exceed \$900,000, under the terms and conditions set forth in the Third Amendment to the Agreement, on file in the Office of the City Clerk as Document No. OO 20434

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$900,000 from A-CA.00001, Drainage Projects, CIP B-14129, Carroll Canyon Road Storm Drain Replacement, of which \$173,428.66 is from Fund 400169, Transnet Extension, \$587,490.06 is from Fund 400848, Deferred Maintenance Revenue 2012A-Project and \$139,081.28 is from Fund 400853, PFFA Lease Revenue Bonds 2013A-Project for the purpose of executing this amendment to the agreement, contingent upon the Chief Financial Officer furnishing a certificate certifying that all funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 3. That the Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP S-00841, Carroll Canyon Road/Sorrento Valley Road District 1, and to appropriate and expend an amount not to exceed \$40,000 from Fund 400843, Carroll Canyon Road Extension for the purpose of City staff oversight.

Section 4. Certifying that this activity is covered under MND/EA (SCH No. 2009011064, adopted April 2, 2009) adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. The activity is part of a series of subsequent discretionary

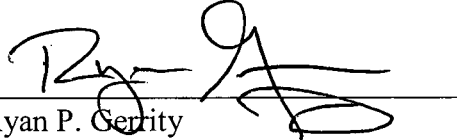
actions adequately covered by the previously approved project and is not considered a separate project for purposes of CEQA review as defined in State CEQA Guidelines Section 15378(c).

Section 5. That the Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

Section 6. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been made available to the City Council and the public a day prior to its final passage.

Section 7. That this ordinance shall take effect, and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Ryan P. Gerrity  
Deputy City Attorney

RPG:jls  
10/14/2014  
Or.Dept: Public Works/Engineering  
CC No.: 3000007296  
Doc. No.: 881554

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 10 2014.

ELIZABETH S. MALAND  
City Clerk

By Mary Hernandez  
Deputy City Clerk

Kevin L. Faulconer  
KEVIN L. FAULCONER, Mayor

Approved: 11/24/14  
(date)

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000007296  
 DEPT. NO.: 2112

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: \_\_\_\_\_

Purpose: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original 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: \$900,000.00

Vendor: CALTRANS

Purpose: To authorize the expenditure of funds not to exceed \$900,000 to CALTRANS for execution of Cooperative Agreement No. 3 for the construction of Carroll Canyon Road extension project.

Date: September 29, 2014 By: James Long  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
001	B14129	400853		512025	OTHR-00000000-TR	2116		B-14129.06.01.02	\$139,081.28
002	B14129	400848		512025	OTHR-00000000-TR	2116		B-14129.06.01.02	\$587,490.06
003	B14129	400169		512025	OTHR-00000000-TR	2116		B-14129.06.01.02	\$173,428.66
TOTAL AMOUNT									\$900,000.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on NOV 10 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 25 2014

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Mary Hernandez, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 28 2014

NOV 25 2014

, and on \_\_\_\_\_

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Mary Hernandez, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20434