

Tues 12/16/14
Item #52
(O-2015-46)

#56
1/13/15

ORDINANCE NUMBER O- 20455 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 30 2015

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE EXECUTION OF THE
THIRD AMENDMENT TO THE CONSULTANT AGREEMENT
WITH W.G. ZIMMERMAN ENGINEERING, INC. TO
PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR
THE TALBOT STREET RESTORATION PROJECT.

WHEREAS, on May 3, 2007, the City of San Diego [City] and W.G. Zimmerman Engineering, Inc. entered into a Consultant Agreement, on file in the office of the City Clerk as Document No. C-14189 [Agreement], to provide professional engineering services for the Talbot Street Slope Restoration Project [Project]; and

WHEREAS, the City now desires a Third Amendment to the Agreement to provide necessary construction support due to unforeseen additional erosion occurring since the original design was prepared, resulting in substantial modifications to the wall in the form of additional soil nails and subsequent design required to provide the proper slope stabilization; and

WHEREAS, the Third Amendment to the Agreement with W.G. Zimmerman Engineering, Inc. will extend the total term of the Agreement beyond five years; and

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 the Third Amendment to the Agreement with W.G. Zimmerman Engineering, Inc. for additional design services and

construction support for the Project, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No 00 - 20455, in an additional amount not to exceed \$267,404 for a total contract amount of \$3,672,435, 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 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$267,404 from CIP S-00609, Talbot Street Slope Restoration, Fund 400169, Transnet, for the purpose of executing this amendment to the agreement.

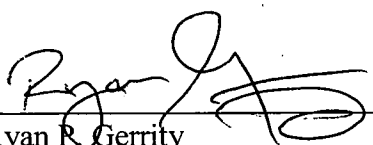
Section 3. Certifying that the information contained in Project No. 92925 has been completed in compliance with the California Environmental Quality Act [CEQA] and State CEQA Guidelines, and that said Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency.

Section 4. That the Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

Section 5. 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 6. 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 R. Gerrity
Deputy City Attorney

RPG:jl
10/13/2014
Or.Dept:Public Works/Engineering

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 13 2015.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 1/28/2015
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JAN 13 2015, 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"/>
Lorie Zapf	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<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 JAN 30 2015

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 Sty Crady, 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

DEC 16 2014, and on JAN 30 2015.

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 Sty Crady, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20455</u>