

ORDINANCE NUMBER O- 20464 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 11 2015

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE EXECUTION OF THE
OTAY 2ND PIPELINE RELOCATION PARTICIPATION
AGREEMENT.

WHEREAS, the City of San Diego (City) currently owns, operates, and maintains water transmission pipelines within the City of Chula Vista, known as the Otay 2nd Pipeline, Otay 3rd Pipeline, South San Diego Pipeline No. 1, and South San Diego Pipeline No. 2, within the undeveloped portions of Otay Ranch; and

WHEREAS, the areas known as Village 2, Village 8 West, Village 8 East, Village 9, and Village 10 in Otay Ranch are being developed and the Otay 2nd Pipeline, the Otay 3rd Pipeline, South San Diego Pipeline No. 1, and South San Diego Pipeline No. 2 will need to be relocated into the City of Chula Vista's new and existing public right-of-ways; and

WHEREAS, the current Joint Use Agreement with the City of Chula Vista will be amended to incorporate the new alignments of the City's pipelines, and the City will pay for the upsizing of the pipelines and depreciation costs, and the Developers will fund their share for a total project cost of \$64,143,261; and

WHEREAS; a Participation Agreement with Baldwin & Sons, LLC a California limited liability company; Otay Land Company, LLC, a Delaware limited liability company; and State Street Bank and Trust, a Massachusetts trust company (Developers) is needed to outline the City's share, by fiscal year, for each phase of work which includes design, construction, and project close-out of each segment, and specifies the City's responsibilities as well as the Developer's responsibilities for the term of the Participation Agreement; NOW, THEREFORE,

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

Section 1. The Mayor or his designee is authorized to execute a Participation Agreement and establish contract funding phases for the Participation Agreement with Developers for the design and construction of the Otay Second Pipeline Relocation - Participation Agreement in an amount not to exceed \$28,093,224.

Section 2. The Chief Financial Officer is authorized to add CIP S-15016, Otay Second Pipeline Relocation – Participation Agreement, to the Capital Improvements Program.

Section 3. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP S-15016, Otay Second Pipeline Relocation – Participation Agreement, and to appropriate and expend \$1,634,092 from Fund 700010, Water Utility – CIP Funding Source, for the purpose of funding the Participation Agreement and in-house costs.

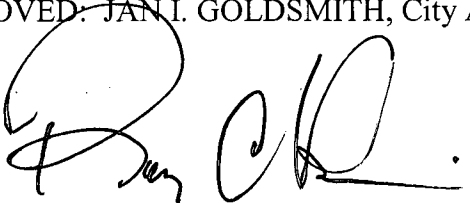
Section 4. The Chief Financial Officer is authorized to award and expend funds under the established contract funding phases in an amount not to exceed \$1,584,092 for the first phase (FY15), and \$26,509,132 for all subsequent phases from CIP S-15016, Otay Second Pipeline Relocation – Participation Agreement, Fund 700010, Water Utility – CIP Funding Source, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditure under the established contract funding phases are, or will be, on deposit with the City Treasurer.

Section 5. 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 passage, a written copy having been made available to the City Council and the public prior to the day of its passage.

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

APPROVED: JANI I. GOLDSMITH, City Attorney

By 
Raymond C. Palmucci
Deputy City Attorney

RCP: mt
12/29/2014
Or.Dept:Public Utilities

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 24 2015.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 3/10/15
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on FEB 24 2015, by the following vote:

Council Members	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 11 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 Aty Ready, Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on FEB 10 2015, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

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.

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

(Seal)

By Aty Ready, Deputy

Office of the City Clerk, San Diego, California

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