

3/10 #52 Item-60
Subitem-A 2/24/15
(O-2015-74)

ORDINANCE NUMBER O- 20468 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 25 2015

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING A SECOND AMENDMENT TO
THE AGREEMENT WITH ADS CORP. FOR SEWER FLOW
MONITORING SERVICES AND EXTENDING THE
AGREEMENT PAST FIVE YEARS.

WHEREAS, ADS Corp. (ADS) is providing sewer flow monitoring and event notification equipment for the purpose of monitoring sewage flows for the City of San Diego and the Participating Agencies of the Metropolitan Wastewater System, under a five-year contract executed in June 2010, with a maximum cost of \$5,721,340.00 (Agreement); and

WHEREAS, the services ADS is providing pursuant to the Agreement is in furtherance of the City's Flow Monitoring Program, which is a critical component of both the City's sewer system and the Metropolitan Wastewater System as it provides real-time warning of overflows and early warning of potential overflows, information necessary for billing the services provided to the Participating Agencies, which amounts to approximately \$65 million annually, and data used to improve operational efficiency; and

WHEREAS, under the proposed Second Amendment to the Agreement, ADS will continue to provide services for five years, with pricing for the first three years to be the same as that currently under the Agreement and pricing for years four and five to allow for a 3% increase in the unit rate, for a total compensation amount not to exceed \$6,932,402.40; and

WHEREAS, ADS' pricing is in the best interest of the City, the Participating Agencies, and the ratepayers on account of ADS having provided the City with accurate, repeatable, and reliable flow data for over twenty years, ADS having a local office with maintenance crews dedicated to this project, and ADS having important institutional knowledge of the Municipal and Metropolitan Wastewater Systems; and

WHEREAS, under Charter section 99, no contract, agreement or obligation extending for a period of more than five years may be authorized except by Ordinance approved 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 said City, a Second Amendment to the Agreement with ADS, for a maximum amount of \$6,932,402.40, under the terms and conditions set forth in document on file in the Office of the City Clerk as Document No. OO- 20468, which will extend the Agreement for up to five years, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasury.

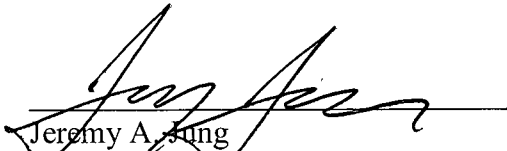
Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$6,932,402.40 from Muni Sewer Revenue Fund 700000 and Metro Sewer Utility Fund 700001, of which \$1,370,040.00 is for Fiscal Year 2016, for the purpose of the aforementioned Second Amendment, contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasury.

Section 3. That Council Policy 300-7 is waived with respect to execution of the aforementioned Second Amendment.

Section 4. 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 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

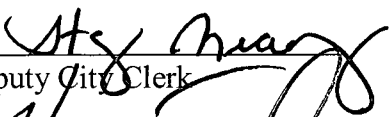

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Jeremy A. Jung
Deputy City Attorney

JAJ:cw
02/09/15
Or.Dept: Public Utilities
CC No.: N/A
Doc. No.: 944071_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 10 2015

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

KEVIN L. FAULCONER, Mayor

Approved: 3/24/15
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on MAR 10 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 25 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 Brady, 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

FEB 24 2015, and on MAR 25 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 Brady, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 20468