Item-50 06/27/17 (0-2017-131)

ORDINANCE NUMBER O- 20839 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 3 0 2017

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE THIRD AMENDMENT TO THE AGREEMENT WITH LUTH & TURLEY FOR AS-NEEDED WATER AND SEWER CLEAN-UP AND REMEDIATION SERVICES.

WHEREAS, on November 27, 2012, the Mayor and San Diego City Council

(City Council) authorized the City of San Diego (City) to enter into an agreement with

Luth & Turley Inc. for as-needed remediation and clean-up services resulting from water main

breaks and sewer backups pursuant to City Council Resolution R-307850; and

WHEREAS, on July 7, 2014, the Mayor and City Council authorized the City to enter into the first amendment to the agreement with Luth & Turley Inc. to incorporate prevailing wage requirements and increase the funds available under the agreement pursuant to City Council Resolution R-309075; and

WHEREAS, on December 17, 2014, the Mayor and City Council authorized the City to enter into the second amendment to the agreement with Luth & Turley Inc. to account for additional unanticipated impacts associated with prevailing wage requirements pursuant to City Council Resolution R-309354; and

WHEREAS, additional funding of \$1,500,000 is needed for the agreement with Luth & Turley Inc., primarily due to a January 5, 2017, water main break that occurred in North-Park; and

WHEREAS, the agreement with Luth & Turley Inc. will expire on November 28, 2017.

The City desires to extend the agreement on a month-to-month basis and add up to an additional \$1,000,000 in funding while a new contract for the services is being advertised and awarded; and

WHEREAS, under San Diego Charter section 99, no contract, agreement, or obligation where the City incurs debt 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 2. That the Chief Financial Officer is authorized to expend an additional amount not to exceed \$1,200,000 from Water Utility Operations Fund 700011 and \$300,000 from Municipal Sewer Revenue Fund 700000, solely and exclusively to pay for services provided under the agreement, provided that the Chief Financial Officer first furnishes one or more certificates demonstrating that the funds for this expenditure are, or will be, on deposit in the San Diego City Treasury, and provided that the final allocation of the \$1,500,000 between the Water and Sewer Funds reflect the actual proportionate share of damages caused by water main breaks and sewer backups, respectively.

Section 3. That the Mayor or his designee is authorized to extend the agreement with Luth & Turley, Inc. on a month-to-month basis after the expiration of the fifth contract year, to

(O-2017-131)

respond to incidents that occur no later than June 30, 2018, to allow for time to advertise and

award a new contract for these services.

Section 4. That the Chief Financial Officer is authorized to expend an amount not to

exceed \$800,000 from Water Utility Operations Fund 700011 and \$200,000 from Municipal

Sewer Revenue Fund 700000, solely and exclusively to pay for services provided under the

agreement during the month-to-month extensions, provided that sufficient funding is approved in

the Fiscal Year 2018 City budget, that the Chief Financial Officer first furnishes one or more

certificates demonstrating that the funds for this expenditure are, or will be, on deposit in the San

Diego City Treasury, and provided that the final allocation of the \$1,000,000 between the Water

and Sewer Funds reflect the actual proportionate share of damages caused by water main breaks

and sewer backups, respectively.

Section 5. That a full reading of this ordinance is dispensed with prior to passage, a

written copy having been made available to the Council and the public prior to the day of its

passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from

and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By

Thomas C. Zeleny

Deputy City Attorne

TCZ:ac

April 24, 2017

Or.Dept:Risk Mgmt.

CC No. 3000009817

Doc. No.: 1466899_4

I certify that the foregoing Ordinance was passe meeting of	d by the Council of the City of San Diego, at this
	ELIZABETH S. MALAND
	City Clerk By
	Deputy City Clerk
Approved: $\frac{6/29/17}{(date)}$	KEVIN L. FAULCONER, Mayor
The date of final passage is June 30, 20 was returned to the Office of the City C Vetoed:	17, which represents the day this ordinance lerk with the Mayor's signature of approval.
(date)	KEVIN L. FAULCONER, Mayor

REVISED

The City of San Diego COMPTROLLER'S CERTIFICATE

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Councilmembers	Yeas	Nays	Not Present	Recused	
Barbara Bry	Ø		П	П	
Lorie Zapf	Z	П	П	П	
Chris Ward	Ź	П	П	П	
Myrtle Cole	Z	П	П	, <u> </u>	
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Chris Cate	$\overline{\mathbb{Z}}$	П	П		
Scott Sherman	<u> </u>				
David Alvarez	Ø	П			
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Date of final passage	N 3 0 2017				
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AUTHENTICATED BY:		N	layor of The City of		ifornia.
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				S. MALAND	1:0
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I HEREBY CERTIFY the elapsed between the day of its in	nat the foregoing order or troduction and the d	dinance was r lay of its final	not finally passed un passage, to wit, on	til twelve calend	dar days had
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I FURTHER CERTIFY dispensed with by a vote of fiv available to each member of the	e members of the (Council, and	that a written copy	of the ordinance	reading was se was made
				S. MALAND	1.0
(Seal)		City	Clerk of The City	of San Diego, C	alifornia.
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