

ORDINANCE NUMBER O- 20839 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 30 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
REMEDICATION 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 1. That the Mayor or his designee is authorized to execute, for and on behalf of the City, an amendment to the agreement with Luth & Turley, Inc. for as-needed remediation and clean-up services as a result of damage caused by water main breaks and sewer backups, under the terms and conditions set forth in the Third Amendment to Memorandum of Agreement, on file with the San Diego City Clerk as Document No. OO- 20839.

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

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.

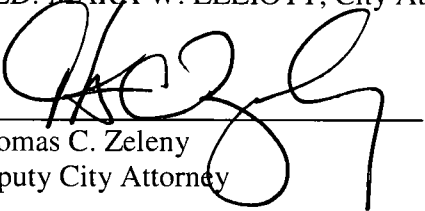
Section 4. That the Chief Financial Officer is authorized to expend an amount not to exceed \$800,000 from Water Utility Operations Fund 700011 and \$200,000 from Municipal Sewer Revenue Fund 700000, solely and exclusively to pay for services provided under the agreement during the month-to-month extensions, 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 Attorney


TCZ:ac
April 24, 2017
Or.Dept:Risk Mgmt.
CC No. 3000009817
Doc. No.: 1466899_4

I certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 27 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6/29/17
(date)


KEVIN L. FAULCONER, Mayor

The date of final passage is June 30, 2017, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

REVISED

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000009817
DEPT. _____
NO. 2000

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: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	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: \$2,500,000.00

Vendor: Luth and Turley, Inc.

Purpose: Additional funding for agreement with Luth and Turley, Inc. for as needed remediation and clean up services from water main breaks and sewer backups (REVISED).

Date: April 20, 2017

By: Livia Valles 
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
01	700011				512159	2000	2000211101		\$2,000,000.00
02	700000				512159	2000	2000180001		\$500,000.00
TOTAL AMOUNT									\$2,500,000.00

FUND OVERRIDE

CC 3000009817

Passed by the Council of The City of San Diego on JUN 27 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

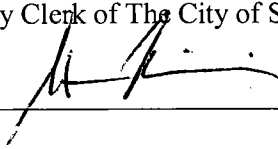
Date of final passage JUN 30 2017

AUTHENTICATED BY:

(Seal)

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

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

By , 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

JUN 13 2017

, and on JUN 30 2017

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 , Deputy

Office of the City Clerk, San Diego, California

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