

Item 57
1/9/18

(O-2018-56)

ORDINANCE NUMBER O- 20894 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 11 2018

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE FOURTH AMENDMENT
TO THE AGREEMENT WITH LUTH & TURLEY FOR
AS-NEEDED WATER AND SEWER CLEAN-UP AND
REMEDATION 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, on June 29, 2017, the Mayor and City Council authorized the City to enter
into the third amendment to the agreement with Luth & Turley Inc. to extend the duration of the
agreement, to allow work started before June 30, 2018 to be completed by the Bidder, and to
increase the funds available under the agreement pursuant to City Council Ordinance O-20839;
and

WHEREAS, additional funding of \$4,500,000 is needed for the fifth contract year of the agreement, primarily due to damage caused by recent water main breaks at (1) the intersection of Kettner Boulevard and West Juniper Street in Little Italy, (2) Morena Boulevard, (3) Caminito de La Costa, and also (4) recently discovered damage caused by a past series of water main breaks on County Club Drive in La Jolla; and

WHEREAS, the City desires to provide additional funding of \$1,000,000 for the sixth contract year, in the event the City continues to experience water main breaks and sewer backups before the next contract for remediation and clean-up services is 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 Fourth Amendment to Memorandum of Agreement, on file with the San Diego City Clerk as Document No. OO- 20894.

Section 2. That the Chief Financial Officer is authorized to expend an additional amount not to exceed \$4,500,000 from Water Utility Operations Fund 700011, 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 additional \$4,500,000 will be allocated between the Water and Sewer Funds to reflect the actual proportionate share of damages caused by water main breaks and sewer backups, respectively.

Section 3. That the Chief Financial Officer is authorized to expend an additional 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 requested by the City during the sixth contract year, 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 4. 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 5. 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

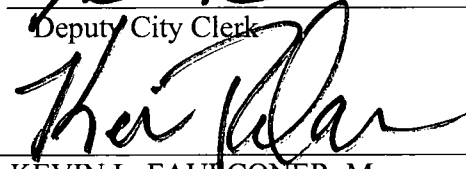
TCZ:amc
November 17, 2017
Or.Dept:Risk Mgmt.
CC No. 3000001475
Doc. No.: 1628886

I certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 09 2018

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 1/10/18
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(Note: The date of final passage is January 11, 2018, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

Passed by the Council of The City of San Diego on JAN 09 2018, 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 JAN 11 2018

AUTHENTICATED BY:

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

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

By [Signature], 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 05 2017, and on JAN 11 2018

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.

By [Signature], Deputy

Office of the City Clerk, San Diego, California
20894
Ordinance Number O-_____