

Item - 504
11/15/18

(R-2019-213)
COR. COPY

RESOLUTION NUMBER R- 312063

DATE OF FINAL PASSAGE NOV 20 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE MAYOR TO NEGOTIATE
AND EXECUTE A RESERVATION OF RIGHTS AGREEMENT
WITH SDG&E AND PROVIDE FUNDING TO SUPPORT
FACILITIES RELOCATION FOR THE NORTH CITY PURE
WATER PHASE 1 PROJECTS.

WHEREAS, the North City Pure Water Phase 1 project designs will be completed in 2018 and through an iterative design process, the City of San Diego has endeavored to avoid or minimize conflicts with existing SDG&E utilities. However, there are numerous locations SDG&E's facilities conflict with the Phase I Pure Water Projects in the City's public right-of-ways; and

WHEREAS, pursuant to the Franchise Agreement between the City and SDG&E, the City believes SDG&E is required to remove and/or relocate these conflicting facilities at SDG&E's sole expense; and

WHEREAS, contrary to the Franchise Agreement, SDG&E has stated it will not incur the costs associated with the design and construction of the relocations associated with these conflicts; and

WHEREAS, through the execution of the Reservation of Rights Agreement, the City will provide initial funding to SDG&E in the amount of \$35,678,521 so SDG&E will begin design work and relocation of existing gas and electric utilities located in the public right-of-way to accommodate Pure Water Phase 1 Projects and avoid schedule impacts to the Pure Water Phase I Projects; and

WHEREAS, the Reservation of Rights Agreement reserves the City's to seek recovery of any monies paid to SDG&E or incurred as a result of the position taken by SDG&E in connection with the relocations; NOW, THEREFORE,

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

1. That the Mayor, or his designee, is authorized to negotiate and execute, for and on behalf of the City, a Reservations of Rights Agreement with SDG&E, to complete the design work and begin the relocation of existing gas and electric facilities currently located in conflict with Pure Water Phase 1 Projects, in an amount not to exceed \$35,678,521 in initial funding to SDG&E, 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 certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasury, under the terms and conditions in substantial conformance to the terms identified herein.

2. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in ALA00001, Pure Water Program, and to appropriate and expend \$8,843,943 from Fund 700104 Metro SDGE Relocate Fund and \$10,078,572 from Fund 700105, Water SDGE Relocate Fund, for the purpose of funding an initial payment to SDG&E for the relocation of existing utility conflicts associated with Phase 1 of the Pure Water Program, 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 Treasurer.


3. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in AKB00003, Water Main Replacements (B17153, AC Water Group Job 1038), and to appropriate and expend \$3,191,620 from Fund 700105, Water SDGE Relocate Fund, for the purpose of funding an initial payment to SDG&E for the relocation of existing

utility conflicts associated with Phase 1 of the Pure Water Program, 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 Treasurer.

4. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in S16027, Morena Pipeline, and to appropriate and expend \$13,564,386 from Fund 700105, Water SDGE Relocate Fund, for the purpose of funding an initial payment to SDG&E for the relocation of existing utility conflicts associated with Phase 1 of the Pure Water Program, 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 Treasurer.

5. That the Chief Financial Officer is authorized, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

APPROVED: MARA W. ELLIOTT, City Attorney

By  _____
Christine M. Leone
Deputy City Attorney

CML:cw
10/29/18
11/08/18 COR. COPY
Or.Dept: Public Utilities Department
CC No.: 101808673
Doc. No.: 1867815_2

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego,
at its meeting of NOV 15 2018.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 11/20/18
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 101808673
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: \$35,678,521.00

Purpose: To certify availability of initial funding to SDG&E to complete the design work and begin the relocation of existing gas and electric facilities currently located in conflict with Phase 1 Pure Water projects.

Date: November 7, 2018

By: Christopher Purcell
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	700104			OTHR-00000000-SU	330019	2000			\$8,843,943.00
2	700105			OTHR-00000000-WU	330019	2000			\$26,834,578.00
TOTAL AMOUNT									\$35,678,521.00

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: _____

Vendor: _____

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

Passed by the Council of The City of San Diego on NOV 15 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 type="checkbox"/>	<input checked="" 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 NOV 20 2018

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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.

(Seal)

By Cornie Patterson, Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Resolution Number R- <u>312063</u></p>
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