

ORDINANCE NUMBER O- 21062 (NEW SERIES)

DATE OF FINAL PASSAGE APR 15 2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE PARTICIPATION AGREEMENT WITH LENNAR COMMUNITIES FOR THE DESIGN AND CONSTRUCTION OF THE HARBOR DRIVE TRUNK SEWER UPSIZING – CONTRACT NO. H166665.

WHEREAS, on December 8, 2015, through Resolution R-310108, the Council of the City of San Diego entered into a Participation Agreement for the Design and Construction of the Harbor Drive Trunk Sewer Upsizing with Ballpark Village LLC, and on April 7, 2016, Ballpark Village LLC assigned the Participation Agreement to Lennar Communities, Inc. (Lennar); and

WHEREAS, on the first construction bid opening by Lennar, two (2) bids were received, with one bid deemed nonresponsive and the other bid rejected for not meeting the City's Equal Opportunity Contracting requirements; and

WHEREAS, on the second construction bid opening by Lennar, one (1) bid was received in an amount approximately twice the engineer's estimate, causing rejection of the bid; and

WHEREAS, after further evaluation, the City determined it is more efficient and cost effective for the City to design and construct the project as part of the City's Capital Improvement Program, with Lennar paying for their pro-rata share of the project in lieu of the Participation Agreement; and

WHEREAS, this First Amendment to the Participation Agreement will transfer the responsibility for the design and construction of the Harbor Drive Trunk Sewer Upsizing to the City, and outlines Lennar's pro-rata share of the Participation Agreement to the City in an amount not to exceed \$2,173,265; 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, the First Amendment to the Participation Agreement for the Design and Construction of the Harbor Drive Trunk Sewer Upsizing with Lennar Communities, Inc., under the terms and conditions set forth in the First Amendment to the Agreement on file in the Office of the City Clerk as Document No. OO- 21062

Section 2. That the Chief Financial Officer is authorized to add CIP S18006, Harbor Drive Trunk Sewer, to the Capital Improvements Program.

Section 3. That the Chief Financial Officer is authorized to transfer appropriations, expenditures, and encumbrances from CIP RD16001, Harbor Dr TS Participation Agreement, to CIP S18006, Harbor Drive Trunk Sewer, within Fund 700008, Muni Sewer CIP Fund.

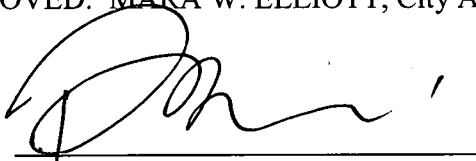
Section 4. That the Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

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



Raymond C. Palmucci
Deputy City Attorney

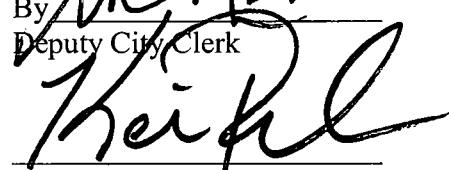
RCP:cw
01/25/19
Or.Dept: Public Utilities
CC No.: N/A
Doc. No.: 1912148

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 09 2019

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4/15/19
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on APR 09 2019, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 15 2019

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 [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

MAR 19 2019

, and on APR 15 2019

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 [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21062</u>