

#52  
06/28/2022

(O-2022-114)

ORDINANCE NUMBER O- 21470 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 11 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A SECOND EXTENSION OF THE OBLIGATIONS UNDER THE CONTRACT BETWEEN THE CITY OF SAN DIEGO AND DICK MILLER, INC. (K-16-1418-DBB-3) BEYOND FIVE YEARS UNTIL JUNE 20, 2024.

WHEREAS, the City of San Diego (City) and Dick Miller, Inc. (Contractor) entered into Contract K-16-1418-DBB-3 (Agreement) for the Sewer and Water GJ Crown Point South of La Playa project (Project); and

WHEREAS, the project consists of the relocation of 10,500 LF of existing sewer mains, replumbing of approximately 231 sewer laterals, abandonment of approximately 10,487 LF of sewer main easement, replacement in place of approximately 3500 LF of sewer main, and replacement of approximately 8,084 LF of existing water main; and

WHEREAS, the original contract time for completion of the construction work was 1,100 working days; and

WHEREAS, 37 working days were added via construction change order for delays caused by rain; and

WHEREAS, the contract working days expired in February 2021, and the Agreement reached the five-year mark on June 20, 2021; and

WHEREAS, on June 17, 2021, via Ordinance No. O-21330, the City Council approved an extension of the obligations under the Agreement through June 20, 2022; and

WHEREAS, extending the obligations under the Agreement a second time for an additional 24 months will allow more time to resolve and settle contractual issues with the Contractor in order to complete all remaining work, or to involve the surety if necessary; and

WHEREAS, this action will not add any additional working days, money, or scope to the Agreement; and

WHEREAS, the circumstances and delays that led to the contractual obligations of the Agreement extending beyond five years were not anticipated, or the contract would have been brought to Council for approval by ordinance at the outset; and

WHEREAS, under Charter section 99, no contract, agreement, or obligation extending for a period of more than five years may be authorized except by Ordinance approved 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 City Council hereby authorizes the obligations under the Agreement to extend through June 20, 2024.

Section 2. 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 3. 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 /s/ Adam R. Wander  
Adam R. Wander  
Deputy City Attorney

ARW:  
6/1/2022  
Or. Dept: E&CP  
CC No.: N/A  
Doc. No.: 2994617

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 28 2022

ELIZABETH S. MALAND  
City Clerk

By Cennie Patterson  
Deputy City Clerk

Approved: 7/11/22  
(date)

Todd Gloria  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 28 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 11 2022.

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

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

By Connie Patterson 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 14 2022, and on JUL 11 2022.

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 Connie Patterson Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21470</u>