

ORDINANCE NUMBER O- 21511 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 29 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE CONSTRUCTION CHANGE ORDER NUMBER 2 TO THE AGREEMENT FOR CONSTRUCTION SERVICES BETWEEN THE CITY OF SAN DIEGO AND URBAN CORPS OF SAN DIEGO COUNTY ADDING AN ADDITIONAL \$808,800 AND EXTENDING THE AGREEMENT BEYOND FIVE YEARS.

WHEREAS, in 2016, the City of San Diego (City) was awarded California Department of Transportation Active Transportation Program (ATP) grant funds for the design and construction of the Chollas Creek Oak Park Branch Trail (Oak Park Trail); and

WHEREAS, in accordance with Resolution R-310930, on February 7, 2017, the Council of the City of San Diego (Council) authorized the application, acceptance, appropriation and expenditure of up to \$943,000 in ATP Grant Funds for the purpose of constructing the Oak Park Trail; and

WHEREAS, on October 2, 2017, the City entered into an Agreement for Construction Services between the City of San Diego and Urban Corps of San Diego County (Agreement) for design and construction of the Oak Park Trail, at a cost not to exceed \$942,803, and with a completion date of December 31, 2021, that included a scope of services consisting of three Phases: Phase I. Project Approval and Environmental Documents (PA&ED); Phase II. Plans, Specifications, and Estimates (PS&E); and Phase III. Construction; and

WHEREAS, in 2018, Purchase Order No. 4500097540 for \$97,000 was issued that included expenditures related to Project Approvals and Environmental Documents (PA&ED), Phase I Design; and

WHEREAS, after expenditure of the 2018 Purchase Order and partial design of the Oak Park Trail Project (Project), the Stormwater Department (SWD) designed stormwater related improvement projects in the same area as the Project that will widen Chollas Creek, and therefore require a redesign of the alignment of the Oak Park Trail, necessitate wider bridge crossings, and redesign of two bridges under the Agreement Phase II; and

WHEREAS, ATP grant funds are not available to redesign the Project, therefore \$91,200 in Phase II ATP funds are no longer available for this purpose;

WHEREAS, \$900,000 in Climate Equity Funds were allocated to the Project in the FY 2022 Adopted Budget for redesign and project construction; and

WHEREAS, Construction Change Order No. 1 to extend the Agreement was approved on December 8, 2021, and the Agreement completion date of December 31, 2021, was extended to September 30, 2022; and

WHEREAS, a second Construction Change Order (Construction Change Order No. 2) will add an additional \$808,800 necessary to complete the redesign and construction of the Project; and

WHEREAS, Construction Change Order No. 2 will add an additional 1,255 working days (five years) for redesign and construction of the Project; and

WHEREAS, the SWD stormwater related improvement projects in the same area as the Project will be completed independently of the Project and with separate funding; and

WHEREAS, the redesign of the Project will ensure future compatibility with the planned SWD improvements; 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 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 Construction Change Order No. 2 to the Agreement extending the contract term beyond five years for an additional 1,255 working days in an amount not to exceed \$808,800 from CIP S20012, Chollas Creek Oak Park Trail, in Fund 100015, the Climate Equity Fund, for the purpose of design and construction of Chollas Creek Oak Park Trail.

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$808,800 for Construction Change Order No. 2 to the Agreement from the Climate Equity Fund, Fund 100015 for the purpose of design and construction of CIP S20012, Chollas Creek Oak Park Trail, contingent upon the Chief Financial Officer issuing one or more certificates certifying that the funds necessary for expenditure under the established construction change order are, or will be, on deposit with the City Treasurer.

Section 3. 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 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

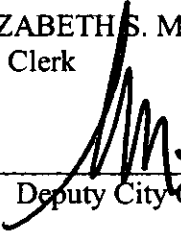
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Jeanne L. MacKinnon
Jeanne L. MacKinnon
Deputy City Attorney

JLM:hm
June 24, 2022
Or.Dept: Planning
Doc. No.: 3014567

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 26 2022.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7/29/22
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUL 26 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 29 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 [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 JUL 12 2022, and on JUL 29 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 [Signature], Deputy

Office of the City Clerk, San Diego, California
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