

ORDINANCE NUMBER O- 21882 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 18 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE OBLIGATIONS OF CONSTRUCTION CONTRACT K-20-1833-DBB-3-A FOR WBS NO. S-12016, OTAY 1ST AND 2ND PIPELINES – WEST OF HIGHLAND AVENUE, WITH EL CAJON GRADING AND ENGINEERING CO. INC. TO EXTEND BEYOND FIVE YEARS FOR AN ADDITIONAL ONE YEAR, NOT-TO-EXCEED A TOTAL OF SIX YEARS.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

A. The Otay 1st and 2nd pipelines were built in 1915 and 1930, respectively. These pipelines have reached the end of their useful life and now are part of the City of San Diego's water main Replacement Program as mandated by California Department of Public Health.

B. The Otay 1st and 2nd Pipelines – West of Highland Avenue project (Project) will replace approximately five miles of aged steel, cast iron, and asbestos pipe segments for the Otay 1st and Otay 2nd pipelines.

C. On November 12, 2019, the City entered into a construction contract (K-20-1833-DBB-3-A) with El Cajon Grading and Engineering Co. Inc. to construct the Project for \$20,178,901.64 (Construction Contract).

D. This Project has encountered various schedule impacts, including water main shutdown restrictions related to COVID-19, and significant unforeseen conditions and utility conflicts.

E. The Project is at the end of construction and is approaching the Project close-out phase. In order to close the Project, there are several obligations that require additional Project funds, including a recent \$1 million construction claim settlement, the final close-out change

order, attorney consultant fees, consultant task orders, street damage fee payment in accordance with Street Preservation Ordinance, and City staff labor charges. No new work is being added to the Project nor is the scope of the Project being expanded by virtue of this action.

F. The Office of the City Attorney prepared this Ordinance based on the information provided by City staff, with the understanding that this information is complete and accurate.

G. Extension of the Construction Contract obligations is subject to San Diego Charter section 99, which provides (subject to certain exceptions) that no contract, agreement, or obligation creating City indebtedness and extending for a period of more than five years may be authorized except by an ordinance adopted by a two-thirds majority of the Council.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. The obligations of Construction Contract K-20-1833-DBB-3-A, for WBS No. S-12016, Otay 1st and 2nd Pipelines – West of Highland Avenue, with El Cajon Grading and Engineering Co. Inc. are authorized to extend beyond five years for an additional one year, through November 12, 2025.

Section 2. The Chief Financial Officer is authorized to transfer appropriations of \$1,550,000 from CIP AKA00003, Large Diameter Water Transmission PPL, Fund 700010, Water Utility CIP to CIP S- 12016, Otay 1st and 2nd PPL West of Highland Avenue within Fund 700010, Water Utility CIP, for the purpose of completing construction work and Project close-out activities.

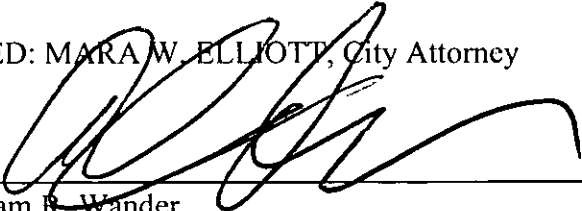
Section 3. The Chief Financial Officer is authorized to appropriate and expend funds in an amount not to exceed \$1,550,000 from CIP S-12016, Otay 1st and 2nd PPL West of Highland Avenue, Fund 700010, Water Utility CIP, contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 4. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 5. This Ordinance will take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Adam R. Wander
Deputy City Attorney

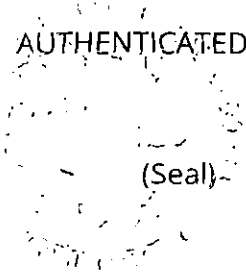
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September 12, 2024
Or.Dept: E&CP
Doc. No. 3776776

Passed by the Council of The City of San Diego on OCT 15 2024, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<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"/>
Kent Lee	<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 OCT 18 2024

AUTHENTICATED BY:



(Seal)

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

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Linda Brown, 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

OCT 01 2024, and on OCT 18 2024

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.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Linda Brown, Deputy
For Krystell Medina



(Seal)

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21882</u>