

#611
12/09/2024

(O-2025-56)

ORDINANCE NUMBER O- 21904 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 18 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE FIRST AMENDMENT TO THE CONTRACT RESULTING FROM REQUEST FOR PROPOSAL (RFP) 10087194-20-G WITH AZTEC LANDSCAPING FOR LANDSCAPE MAINTENANCE IN DESIGNATED CENTER MEDIANS, RIGHTS-OF-WAY, AND AREAS WITHIN THE GAS TAX PROGRAM.

RECITALS

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

A. The Parks and Recreation Department's (P&R) Gas Tax Median Maintenance Program (Program) includes the maintenance of medians, rights-of-way, and pedestrian areas in all City of San Diego (City) council districts from San Ysidro in the south to La Jolla in the north.

B. The Program provides irrigation, pruning, shaping, and training of trees, shrubs, and turf. The Program also provides groundcover plants, litter control, weed control, control of all plant diseases and pests, mowing, edging, renovation and aerification, sweeping, irrigation, and all other maintenance required for the sites to remain in a safe, attractive, and usable condition. Finally, the Program maintains the plant material in good condition with horticulturally accepted growth and color.

C. The Program is funded by the Gas Tax Fund which collects revenue from the City's share of the State of California Excise Tax on the sale of gasoline and diesel, and a use tax on other types of fuels.

D. The current contract for the Program resulted from RFP No. 10087194-20-G which was issued on November 1, 2019.

E. The City received three proposals to RFP No. 10087194-20-G and a contract was awarded to Aztec Landscaping for a five-year term with a not-to-exceed amount of \$3,000,000 (Contract).

F. The term of the Contract expires on February 10, 2025.

G. Additional funding and time to continue the work in the Contract is necessary because, although P&R began the RFP process in May 2024 (May RFP) to award a new contract under the Program with sufficient time before the expiration of the current contract's term, the RFP process is taking than anticipated, the May RFP was cancelled, and there cannot be a gap in service.

H. The cancellation of the May RFP was necessary to address changes that were needed for clarity in the May RFP's scope of work and several new median sites were added to the scope of work that were not anticipated at the beginning of the May RFP process.

I. Staff has begun a new RFP process, but a fully signed contract will require Council approval, and a contract is not anticipated to be awarded and approved by the expiration date of the current contract on February 10, 2025.

J. The current level of services needs to continue without a gap because of risks from a cessation of maintenance of the medians under the Program. Those risks include:

1. The landscape would experience an overgrowth of vegetation;
2. A lack of irrigation maintenance could result in water line breaks and water loss;
3. Unmaintained trees may result in unstable low hanging branches; and
4. Gutters may clog with accumulated leaves and litter.

K. Additionally, deferred maintenance leads to a range of negative consequences to public health and safety, such as:

1. Safety hazards: unmaintained landscaping and trees may diminish the line of sight for vehicles and may create unsafe tree hazards.
2. Structural damage: neglecting maintenance may result in deterioration of irrigation, which can lead to leaks, water waste, and costly repairs.
3. Decreased lifespan: lack of regular maintenance can shorten the lifespan of landscaping and trees, resulting in the need for premature replacement and expense.

L. The current contractor, Aztec Landscaping, is familiar with the Program and with the service needs and has confirmed that it has the capacity to continue services past the current contract expiration date.

M. Under San Diego 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 two-thirds majority vote of the City Council.

N. The Office of the City Attorney prepared this Ordinance based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it ordained by the Council:

Section 1. The Council approves the First Amendment to the contract with Aztec Landscaping (RFP No. 10087194-20-G).

Section 2. The Mayor, or designee, is authorized to sign the First Amendment on behalf of the City to increase the not to exceed contract amount by \$500,000 for a total compensation amount not to exceed \$3,500,000, and extending the contract duration for approximately six additional months through July 31, 2025.

Section 3. The Chief Financial Officer is authorized to expend an amount not to exceed \$3,500,000 for the purpose of funding the First Amendment, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 3. 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 4. 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 Catherine Morrison
Catherine C. Morrison
Deputy City Attorney

CCM:jvg
October 29, 2024
Or.Dept: Parks & Rec.
Doc. No. 3857051

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on
DEC 09 2024

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 12/13/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(Note: The date of final passage is December 18, 2024, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

Passed by the Council of The City of San Diego on DEC 09 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 DEC 1 8 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 Arvin, 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

NOV 1 2 2024, and on DEC 1 8 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.

(Seal)

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

By Linda Arvin, Deputy
for Connie Patterson

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21904</u>