

ORDINANCE NUMBER O- 21147 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 07 2019

ITEM # 531
11/5/19

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A SECOND AMENDMENT TO AGREEMENT WITH HAWKINS DELAFIELD AND WOOD (HDW) TO PROVIDE SPECIALIZED LEGAL SERVICES FOR THE MIRAMAR LANDFILL GAS AND NORTH CITY RENEWABLE ENERGY PROJECT.

WHEREAS, the City has determined to develop a Pure Water Program advanced water treatment facility near the existing North City Water Reclamation Plant (NCWRP); and

WHEREAS, the City has determined to expand landfill gas fueled electric generation capacity to support the new electric requirements of the Pure Water facility and the NCWRP; and

WHEREAS, the City has assumed ownership of the Miramar Landfill gas collection system effective January 1, 2019, and to maintain environmental compliance as a first priority it will seek proposals for a qualified long-term operator who will beneficially use the gas for electric generation; and

WHEREAS, the North City Renewable Energy Project will help meet the Climate Action Plan targets for reducing Greenhouse Gas Emissions by capturing landfill methane gas for energy production, reducing carbon gas emissions, and generating renewable energy; and

WHEREAS, the City has benefitted from the private finance and operation of gas collection and cogeneration facilities; and

WHEREAS, the City currently has contracts with MM San Diego, LLC and Miramar Energy, LLC for generation facilities serving the Metropolitan Biosolids Center (MBC, 6.4 MW)

and Marine Corps Air Station Miramar (MCASM, 3.2 MW), and the City owns the North City Cogeneration Facility (3.8 MW) and North City Expansion Project (NCEP, 1.6 MW); and

WHEREAS, the existing landfill gas collection system and electric generation projects originated in 1995 and Hawkins Delafield & Wood assisted the City under prior agreements as special counsel to develop public-private partnership agreements; and

WHEREAS, the firm also assisted significant amendments to the project agreements in 1998 and in 2011; and

WHEREAS, on July 14, 2015, after the City determined to again expand landfill gas fueled generation, a new Sole Source Agreement (Agreement) for Legal Services with Hawkins Delafield and Wood was approved for a total amount not to exceed \$250,000; and

WHEREAS a First Amendment to the Agreement was authorized by the Council on November 16, 2016 by Resolution R-310772 in the amount of \$990,000; and

WHEREAS, the City desires to execute a Second Amendment to the Agreement to continue the services of Hawkins, Delafield, & Wood for the Miramar Landfill Gas and North City Renewable Energy Project; 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 hereby authorized to execute the Second Amendment to the Agreement with Hawkins Delafield & Wood for services related to the Miramar Landfill Gas and North City Renewable Energy Project, Contract No. C-16646, extending the agreement until execution of a privatization agreement for the project or July 14, 2025, whichever is sooner, according to the terms provided in that document on file in the Office of the City Clerk as Document No. 00-21147.

Section 2. That the Chief Financial Officer is hereby authorized to expend an additional sum not to exceed \$1,159,000 from Water Utility Fund No. 700011, and Metro Sewer Operating Fund No. 700001 for purposes of receiving services as provided in the Second Amendment to the Agreement with Hawkins Delafield & Wood.

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.

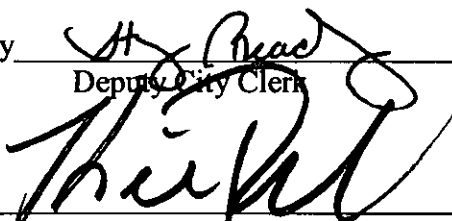
APPROVED: MARA W. ELLIOTT, City Attorney

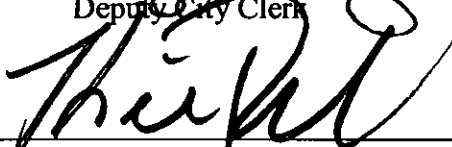
By 
Frederick M. Ortlieb
Deputy City Attorney

FMO:als
09/03/2019
10/21/2019 Cor. Copy
Or.Dept:Public Utilities Dept.
Doc. No.: 2108177_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 05 2019.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk


KEVIN L. FAULCONER, Mayor

Approved: 11/7/19
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on NOV 05 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 type="checkbox"/>	<input checked="" 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 NOV 07 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 Stacy Ready, 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 22 2019, and on NOV 07 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 Stacy Ready, Deputy

Office of the City Clerk, San Diego, California

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