

ORDINANCE NUMBER O- 21627 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 28 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SECOND AMENDMENT TO THE SOLE SOURCE AGREEMENT WITH GEOSYNTEC CONSULTANTS, INC. TO PROVIDE TECHNICAL CONSULTANT SERVICES FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) EXTENDING THE CONTRACT FOR THREE YEARS AND INCREASING THE NOT TO EXCEED AMOUNT BY \$225,000, AND RELATED ACTIONS.

WHEREAS, the City of San Diego (City's) Public Utilities Department (Department) operates the Metro Biosolids Center, North City Water Reclamation Plant, South Bay Water Reclamation Plant, Point Loma Wastewater Treatment Plant, and the Miramar Landfill (City Facilities), which are industrial facilities that must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ (Industrial General Permit); and

WHEREAS, in early 2017, San Diego Coastkeeper and the Coastal Environmental Rights Foundation alleged violations of the Industrial General Permit at the City Facilities, and the City negotiated a settlement that the Council of the City of San Diego (Council) approved by San Diego Resolution R-312005 (October 16, 2018); and

WHEREAS, on February 14, 2018, the City entered into an Agreement with Geosyntec Consultants, Inc. (Geosyntec) to assist the City with settlement negotiations and fulfill its obligations under the settlement agreement to complete monitoring and water quality analysis, reporting, detailed assessments of the City Facilities and implementation activities and projects that require specialized technical expertise associated with the Industrial General Permit (Agreement); and

WHEREAS, on April 23, 2021, the City approved the First Amendment to the Agreement modifying the scope of services to add technical support on an as-need basis, increasing the not to exceed amount of compensation by \$299,980, bringing the total not to exceed amount to \$499,980, and extending the term of the Agreement by three years to February 14, 2023; and

WHEREAS, the proposed second amendment to the Agreement modifies the scope of services to exclude technical support for the Miramar Landfill, increases the not to exceed amount of compensation by \$225,000, bringing the total not to exceed amount to \$724,980, and extends the term of the Agreement by three years effective February 14, 2023 (Second Amendment); and

WHEREAS, the City is currently working to extend the deadline under the settlement through 2025, and the Second Amendment will allow Geosyntec to provide services to the City for the extended period necessary to comply with the City's obligations under the settlement; and

WHEREAS, the Office of the City Attorney has drafted 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, true, and accurate; and

WHEREAS, 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 a two-thirds majority vote of the City Council; NOW, THEREFORE,

BE IT ORDAINED, by the City Council of the City of San Diego, as follows:

Section 1. That the Second Amendment to the Agreement, which once signed by all parties will be on file with the City Clerk as Document No.: 00-21627, is approved.

Section 2. That the Mayor or designee is authorized to sign and deliver the Second Amendment.

Section 3. That the Chief Financial Officer is authorized to expend an amount to exceed \$225,000 from Fund 700001, Metro Sewer Utility, for the purpose of funding the Second Amendment, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and 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. 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 5. 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 Melissa D. Ables  
Melissa D. Ables  
Chief Deputy City Attorney

MDA:cw  
February 13, 2023  
Or.Dept: Public Utilities Department  
CC No.: N/A  
Doc. No.: 3219758

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 21 2023.

DIANA J.S. FUENTES  
City Clerk

By  \_\_\_\_\_  
Deputy City Clerk

Approved: 3/27/23  
(date)

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

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

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

(NOTE: The date of final passage is March 28, 2023 which represents the date this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

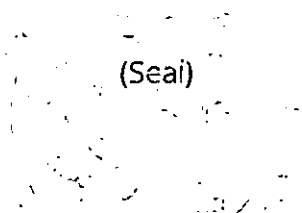
Passed by the Council of The City of San Diego on MAR 21 2023, by the following vote:

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"/>
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"/>
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 MAR 28 2023

AUTHENTICATED BY:

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



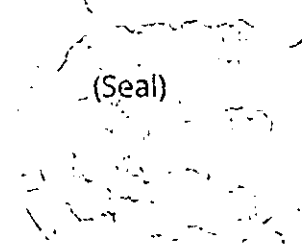
DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

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

MAR 07 2023, and on MAR 28 2023

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 [Signature], Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>21627</u></p>
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