

ORDINANCE NUMBER O- **21653** (NEW SERIES)DATE OF FINAL PASSAGE **JUN 12 2023**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE SECOND AMENDMENT
TO THE AGREEMENT WITH ATOLL VENTURES DBA
OCEAN IMAGING CORPORATION FOR THE COASTAL
REMOTE SENSING SPECIAL STUDY OF THE POINT LOMA
OCEAN OUTFALL (PLOO) AND SOUTH BAY OCEAN
OUTFALL (SBOO) REGIONS AND RELATED ACTIONS.

WHEREAS, the San Diego Regional Water Quality Control Board (RWQCB) in
conjunction with the Environmental Protection Agency (EPA) started coastal remote sensing as a
special study required by the 2002 Point Loma Wastewater Treatment Plant (PLWTP) National
Pollutant Discharge Elimination System (NPDES) permit, and Ocean Imaging Corporation was
selected to provide this service under a sole source agreement; and

WHEREAS, remote sensing services are a critical component of the City of San Diego's
(City's) monitoring program included in the PLWTP NPDES permit; and

WHEREAS, in 2021, coastal remote sensing became a permanent permit requirement of
City's core ocean monitoring program, representing a long-term collaboration between City, the
federal International Boundary and Water Commission (USIBWC), and Ocean Imaging
Corporation; and

WHEREAS, Ocean Imaging Corporation utilizes various aerial and satellite sensors to
detect patterns in natural oceanographic variables, point and non-point source terrestrial runoff,
and anthropogenic sources such as City's two large ocean outfalls, Point Loma Ocean Outfall
(PLOO) and South Bay Ocean Outfall (SBOO), thus it is uniquely positioned to conduct these
highly technical and tailored monitoring services; and

WHEREAS, Ocean Imaging Corporation's existing remote sensing data archive, customized analysis results linking historical remote sensing, field sampling, and environmental/oceanic parameters are essential to City's evaluation of trends in this region; and

WHEREAS, remote sensing services are essential to the Public Utilities Department meeting its environmental monitoring objectives, commitments, and regulatory permit requirements associated with discharge of wastewater to the Pacific Ocean through the PLOO and SBOO; and

WHEREAS, Ocean Imaging Corporation's services are required on a sole source basis because these uniquely tailored services are unavailable through any other single source; and

WHEREAS, this work is also part of a multi-year agreement between City and USIBWC to provide ocean monitoring services for the SBOO region in association with operation of the South Bay International Wastewater Treatment Plant and with USIBWC reimbursing City approximately \$1 million per year; and

WHEREAS, this image data and subsequent advanced analyses are utilized to spatially and temporally enhance regular field sampling surveys conducted by City marine biologists and help interpret the results from those surveys; and

WHEREAS, early efforts focused on detection and monitoring of the PLOO and SBOO wastewater plumes and tracking near-shore runoff plumes originating from historically high contamination sources such as the Tijuana River and Los Buenos Creek; and

WHEREAS, objectives expanded to include a newer generation of multiple spatial data products on a larger, regional scale to provide information on oceanic variables affecting all of City's coastal waters; and

WHEREAS, important results include determination of dispersal pattern trends of the SBOO plume when it reaches the ocean's surface waters, dispersal pattern trends of stormwater runoff from multiple shoreline point sources and their relation to beach contamination potential along the coastline, short term patterns and long-term trends of oceanic phenomena such as phytoplankton blooms and red tides, and growth cycles of the region's giant kelp forests; and

WHEREAS, continuation of this long-term collaboration to better understand coastal water quality conditions is a critical component of the City's monitoring program included in the PLWTP NPDES Permit 301(h) Renewal Application; 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 City Council; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. That the Second Amendment to the agreement with Atoll Ventures dba Ocean Imaging Corporation to continue to provide remote sensing services for an additional amount not to exceed \$1,619,382, bringing the total not to exceed amount of the agreement to \$3,589,968, and extending the Agreement through June 30, 2028, under the terms and conditions set forth in the Second Amendment to the Agreement, on file in the office of the City Clerk as Document No. OO- **21653** (Second Amendment) is approved.

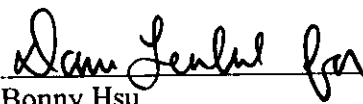
Section 2. The Mayor, or designee, is authorized to sign and deliver the Second Amendment.

Section 3. That the Chief Financial Officer is authorized to expend an amount not to exceed \$1,619,382 in total, to be spent as follows: \$360,129 in FY24; \$303,667 in FY25; \$309,176 in FY26; \$318,436 in FY27; and \$327,974 in FY28 from Fund 700001, Metro Sewer Utility Fund, contingent upon 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 
Bonny Hsu
Deputy City Attorney

BH:cw
3/14/2023
Or.Dept: Public Utilities Department
CC No.: N/A
Doc. No.: 3241480

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 06 2023

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 6/12/23
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 06 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 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"/>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JUN 12 2023.

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 Connie Patterson, 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

MAY 16 2023

and on

JUN 12 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.

(Seal)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21653