

RESOLUTION NUMBER R- **315019**DATE OF FINAL PASSAGE **JUL 03 2023**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT EXECUTION OF CHANGE ORDER NO. 2 FOR THE OTAY WTP-BASIN #1 CONCRETE RESTORATION CONSTRUCTION CONTRACT BETWEEN THE CITY OF SAN DIEGO AND ABHE & SVOBODA, INC. (K-22-2054-DBB-3) IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER STATE CEQA GUIDELINES SECTIONS 15301(B) AND 15302(C).

WHEREAS, the City of San Diego (City) desires to execute Construction Change Order No. 2 (Change Order No. 2) for the Otay WTP-Basin #1 Concrete Restoration Project construction contract with Abhe and Svoboda, Inc., K-22-2054-DBB-3 (Contract), to increase the not-to-exceed value of the Contract by \$1,468,167.21 and add 153 working days to the Contract to cover the additional costs and time related to unforeseen conditions discovered during construction at basin #1 at Otay Water Treatment Plant; and

WHEREAS, Change Order No. 2 will provide for the replacement of the basin foundation, replacement of the waterstops, and repairing of the cracking unforeseen at the time of award of the Contract (Project); and

WHEREAS, the California State Legislature, through the California Environmental Quality Act (CEQA), Public Resources Code sections 21000-21189.70.10, has determined that CEQA does not apply to various types of projects listed therein; and

WHEREAS, California Public Resources Code section 21084 states that the CEQA Guidelines (Cal. Code Regs., title 14, §§ 15000 to 15387 (CEQA Guidelines)) shall list those classes of projects which have been determined not to have a significant effect on the environment and which shall be exempt from CEQA; and

WHEREAS, CEQA Guidelines sections 15300-15333 list the categorical exemptions promulgated by the California Office of Planning and Research and adopted by the Secretary of the California Natural Resources Agency for those classes of projects that have been determined not to have a significant effect on the environment; and

WHEREAS, the Engineering & Capital Projects Department has determined that the Project is categorically exempt from CEQA under CEQA Guidelines sections 15301(b) and 15302(c); and

WHEREAS, the Council of the City of San Diego (Council) considered the potential environmental effects of the Project; and

WHEREAS, the Council held a duly noticed public meeting and considered the written record and related public comment with respect to the Project; and

WHEREAS, the Council, exercising its independent judgment, determined that the Project will not result in a significant effect on the environment and is categorically exempt from CEQA under CEQA Guidelines section 15301(b) because it involves the operation, maintenance and repair of existing publicly-owned sewer utility facilities, and section 15302(c) because it involves replacement or reconstruction of existing sewer system structures and facilities where the new structure will be located on the same site as the existing structure replaced, and will have substantially the same purpose and capacity as the structure replaced, with negligible or now expansion; and

WHEREAS, the Council, exercising its independent judgment, determined that no exception set forth in CEQA Guidelines section 15300.2 applies to the Project because no cumulative impacts were identified; no significant effects on the environment were identified; none of the land is adjacent to a scenic highway; no historical resources will be affected by the

action; and none of the land is identified on a list of hazardous waste sites pursuant to California Government Code section 65962.5; and

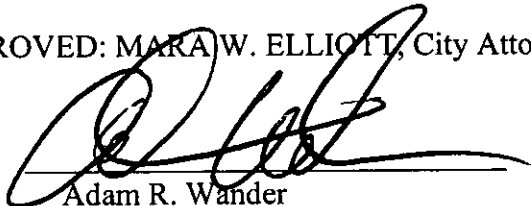
WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

1. That the Project will not result in a significant effect on the environment and is categorically exempt from CEQA under CEQA Guidelines sections 15301(b) and 15302(c).
2. That no exception to the categorical exemption, set forth in CEQA Guidelines section 15300.2, applies to the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By


Adam R. Wander
Deputy City Attorney

ARW:cw
06/12/23
Or.Dept: Engineering & Capital Projects
CC No.: N/A
Doc. No.: 3328656
Companion to: R-2023-815

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego at this meeting of JUN 27 2023.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 6/30/23
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 27 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 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 JUL 03 2023

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

(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

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