

ORDINANCE NUMBER O- 21874 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 03 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A PHASE-FUNDED CONSULTANT AGREEMENT WITH BLACK & VEATCH CORPORATION FOR DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR THE LAKE HODGES DAM REPLACEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$45,183,751 AND RELATED ACTIONS.

RECITALS

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

- A. The City of San Diego Public Utilities Department (PUD) Dam Safety Program oversees eleven dams and two potable water tanks, which fall under the jurisdiction of the California Department of Water Resources, Division of Safety of Dams (DSOD). These structures are crucial for the water supply and essential for maintaining emergency water storage, as they impound, collect, and store water for delivery to treatment plants and distribution to customers.
- B. The City's dams are among the oldest in the state of California, with many nearing or surpassing the end of their useful service lives. Hodges Dam is over 100 years old and is currently rated by DSOD as unsatisfactory. DSOD has mandated water level restrictions at Hodges Reservoir as a temporary risk mitigation measure and has set a regulatory deadline for the City to commence construction of a new dam by December 31, 2029.
- C. The City is working to replace the existing dam with a new roller compacted concrete (RCC) dam located approximately 100 feet downstream of the existing dam. The new replacement dam will meet current dam standards, water supply, and operational needs, ensuring public health and safety.

D. The City issued a Request for Proposal (H2426386-M) to solicit professional Engineering Services for the Design of the Lake Hodges Dam Replacement Project (Project) on November 16, 2023. Three firms submitted proposals and Black & Veatch Corporation (Black & Veatch) was selected based on their qualifications and related experiences in accordance with Council Policy 300-07.

E. The consultant agreement with Black & Veatch is a nine-year phase-funded agreement that includes 6 phases, with a total not to exceed amount of \$45,183,751 (Agreement). The Agreement is included in the docket materials accompanying this Ordinance.

F. The Project is anticipated to start design phase in Fall of 2024 and will include all necessary sub-surface investigations and environmental surveys to meet the requirements of the California Environmental Quality Act. The environmental document that results will be brought back to Council for its review and consideration of the environmental impacts of the Project prior to the City committing to move forward with construction of a Project.

G. The Agreement is subject to San Diego Charter section 99, which provides (subject to certain exceptions) that no contract, agreement, or obligation creating City indebtedness and extending for a period of more than 5 years may be authorized except by an ordinance adopted by a two-thirds majority of the Council.

H. 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.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. The Council approves the Agreement.

Section 2. The Mayor or his designee is authorized, on the City's behalf, to execute the phase-funded Agreement with Black & Veatch for the purpose of providing professional design and construction support services for Lake Hodges Dam Replacement (CIP S-23002), in an amount not to exceed \$45,183,751, for a term of nine years, under the terms and conditions set forth in the Agreement, on file in the Office of the City Clerk as Document No. OO-- 21874

Section 3. The Chief Financial Officer is authorized to expend funds under the established Agreement funding phases in an amount not to exceed \$20,402,631 for Phase 1, and \$24,781,120 for all subsequent Phases from CIP S-23002, Lake Hodges Dam Replacement, Fund 700010, Water Utility CIP, contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditure under the established Agreement funding phases are, or will be, on deposit with the City Treasurer.

Section 4. 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 dates of its passage.

Section 5. 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 Christina L. Rae
Christina L. Rae
Deputy City Attorney

CLR:jn2:cw
August 16, 2024
Or.Dept: E&CP
CC No.: 3000016928
Doc. No.: 3772358_2

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on
SEP 24 2024

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 10/3/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000016928
 DEPT. NO. 2112

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____

Purpose: _____

Date: _____ By: _____
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$20,402,631.00

Vendor: Black & Veatch Corporation

Purpose: To authorize the expenditure of funds not to exceed \$20,402,631 to Black & Veatch Corporation for phase 1 design services H2426386-M for Lake Hodges Dam Replacement Project.

Date: July 3, 2024 By: *Kripasagar Krishnaraj*
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
I	S-23002	700010	NOT_RELEVANT_GRANT	512028	OTHR-00000000-WU	2000	2000201711	S-23002.02.02	\$20,402,631.00
TOTAL AMOUNT									\$20,402,631.00

✓ X

Passed by the Council of The City of San Diego on SEP 24 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 OCT 03 2024

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 Linda Druein, 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

SEP 10 2024, and on OCT 03 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 Druein, Deputy
For Connie Patterson

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21874</u>