

#56  
10/29/24

(O-2025-36)

ORDINANCE NUMBER O- 21889 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 06 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE FIRST AMENDMENT TO THE CONTRACT WITH EPI ENVIRONMENTAL PRODUCTS, INC. TO PROVIDE POLYETHYLENE FILM AND REPLACEMENT PARTS FOR THE ENVIRO COVER SYSTEM AT MIRAMAR LANDFILL.

RECITALS

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

A. In 2017, the City purchased an Enviro Cover (EC) system, including an Enviro Cover Deployer and rolls of non-reusable biodegradable polyethylene film (EC Film), from EPI Environmental Products, Inc. (Contractor) for use at Miramar Landfill. The EC system is an odor control best management-practice intended to eliminate the trash face at Miramar Landfill as a source of potential odors.

B. On February 20, 2019, the City entered into a sole source agreement with Contractor to provide EC Film and replacement parts for the EC system for five (5) years in an amount not to exceed \$2,885,000 (Contract).

C. The City currently uses the EC system as the primary alternative daily cover at Miramar Landfill. Use of the EC system is a requirement in the City's Permit to Operate Miramar Landfill issued by the Air Pollution Control District. EC Film and maintenance of the EC system are essential to the continued operation of Miramar Landfill, and no competitors currently exist for the EC Film or EC system replacement parts.

D. The First Amendment to the Contract will extend the Contract for five (5) years, until February 20, 2029, and add \$3,815,000 to the current Contract amount of \$2,885,000, for a total not to exceed amount of \$6,700,000.

E. Once approved and executed, the First Amendment shall be effective retroactively to February 20, 2024.

F. The Office of the City Attorney prepared this Ordinance based on the information provided by City staff, with the understanding that this information is complete and accurate.

G. Under San Diego Charter section 99, a supermajority vote of the Council is required for passage of this Ordinance.

ACTION ITEMS

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

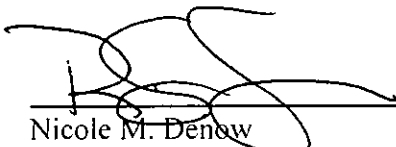
Section 1. The Mayor, or his designee, is authorized to execute for and on behalf of the City, the First Amendment to the Contract with EPI Environmental Products, Inc. to provide polyethylene film and replacement parts for the Enviro Cover system at the Miramar Landfill for an additional five-year term and to increase the Contract amount by \$3,815,000 for a total contract amount not to exceed \$6,700,000.

Section 2. The Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$6,700,000 from the Refuse Disposal Fund No. 700039 solely and exclusively to provide funds for the Contract, contingent upon City Council approval of the Annual Appropriations Ordinance for the applicable fiscal years, and contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 3. 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 date of its passage.

Section 4. This Ordinance will take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By  on behalf of  
Nicole M. Denow  
Senior Deputy City Attorney

NMD:nf  
September 16, 2024  
Or.Dept: ESD  
Doc. No. 3796420

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on  
OCT 29 2024

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: 11/1/24  
(date)

  
TODD GLORIA, Mayor

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

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

(Note: The date of final passage is November 6, 2024, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

OCT 29 2024

Passed by the Council of The City of San Diego on \_\_\_\_\_, 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 type="checkbox"/>	<input checked="" 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"/>
Seán Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 06 2024

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 Krystell Medina, 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 15 2024, and on NOV 06 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 Krystell Medina, Deputy

Office of the City Clerk, San Diego, California

**21889**

Ordinance Number O-\_\_\_\_\_