

330
01/14/2025

(O-2025-65)
COR. COPY

ORDINANCE NUMBER O- 21913 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 23 2025

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE AMENDED AND RESTATED AGREEMENT WITH THE EAST COUNTY ADVANCED WATER PURIFICATION JOINT POWERS AUTHORITY FOR THE DESIGN AND CONSTRUCTION OF THE EAST COUNTY RESIDUALS LINE AND THE REHABILITATION OF THE EAST MISSION GORGE FORCE MAIN AND RELATED ACTIONS.

RECITALS

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

A. The City is currently constructing Phase 1 of the Pure Water Program, which is a potable reuse program to offload wastewater flow from Point Loma Wastewater Treatment Plant. The East County Advanced Water Purification Joint Powers Authority (ECAWP JPA) is also constructing a potable reuse project (ECAWP Project), which is located upstream of the City's Pure Water Program. The ECAWP Project will produce brine and centrate (Residuals) that would cause increased operational costs for the Pure Water Program and have the potential to cause wastewater treatment process disruptions. However, these risks can be avoided by constructing and operating a Residuals pipeline (East County Residuals Line) that will convey the Residuals from the ECAWP Project to the Point Loma Wastewater Treatment Plant without passing through the Pure Water Program facilities. Additionally, it has been determined that the East Mission Gorge Force Main requires rehabilitation.

B. By Ordinance O-21583 (Dec. 14, 2022), the Council approved the Agreement between the City and the ECAWP JPA for the Design, Construction, and Reimbursement for the East County Residuals Line and the Rehabilitation of the East Mission Gorge Force Main (Agreement) that required the ECAWP JPA to design and construct the East County Residuals

Line and to rehabilitate the East Mission Gorge Force Main in exchange for the City agreeing to reimburse the ECAWP JPA for a portion of the costs in an amount not to exceed \$57,183,804.

The Agreement is on file with the Office of the City Clerk as Document No. OO-21583-1.

C. At the time that the Agreement was signed by the Parties, the East County Residuals Line and the rehabilitation of the East Mission Gorge Force Main were in the conceptual stage. The not to exceed amount was based on a range of assumptions and broad estimates. The ECAWP JPA's progressive design-build contractor has now completed 90 percent of the designs, and it has been determined that due to a number of factors, the costs to complete both projects has significantly increased. The Parties have negotiated an Amended and Restated Agreement, which increases the not to exceed amount that the City will reimburse the ECAWP JPA for the East County Residuals Line to \$70,920,858, and the not to exceed amount the City will reimburse the ECAWP JPA for the rehabilitation of the East Mission Gorge Force Main to \$40,522,748, for a total not to exceed amount of \$111,443,606 (Amended and Restated Agreement). The Amended and Restated Agreement also clarifies some procedural issues related to inspections and acceptance of the projects. The Amended and Restated Agreement is included in the docket materials accompanying this Resolution.

D. The Office of the City Attorney prepared 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 and accurate.

E. The Amended and Restated 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 five years may be authorized except by an ordinance adopted by a two-thirds majority of the Council.

ACTION ITEMS

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

Section 1. The Council approves the Amended and Restated Agreement.

Section 2. The Mayor or designee is authorized, on the City's behalf, to sign and deliver the Amended and Restated Agreement. When signed by both parties, the Amended and Restated Agreement will be placed on file in the Office of the City Clerk as Document No. OO- 21913.

Section 3. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP RD-23001, East County Residuals Line and East Mission Gorge Force Main and to appropriate and expend an additional \$16,848,614 from Fund 700008, Muni Sewer Utility – CIP, \$182,778 from Fund 700009, Metro Sewer Utility – CIP, and \$37,228,410 from Fund 700010, Water Utility – CIP to support the construction of the East County Residuals Line and the rehabilitation of the East Mission Gorge Force Main.

Section 4. The Chief Financial Officer is authorized to expend an additional amount not to exceed \$54,259,802 for the purpose of providing for the increased compensation amount under the Amended and Restated Agreement, contingent upon the Council appropriating funds for any payments to ECAWP JPA in each applicable fiscal year and the Chief Financial Officer first certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 5. 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 6. This Ordinance will take effect and be in force on the thirtieth day from
and after its final passage.

APPROVED: HEATHER FERBERT, City Attorney

By Melissa Ables
Melissa D. Ables
Senior. Chief Deputy City Attorney

MDA:JN2:jvg
December 2, 2024
December 10, 2024 COR. COPY
Or.Dept: PUD
Doc. No. 3899864

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on
JAN 14 2025.

DIANA J.S. FUENTES
City Clerk

By Cennie Patterson
Deputy City Clerk

Approved: 1/23/25
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JAN 14 2025, 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"/>
Henry L. Foster III	<input type="checkbox"/>	<input checked="" 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 JAN 23 2025.

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

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 DEC 17 2024, and on JAN 23 2025.

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- 21913