

#51a
03/11/2025

(O-2025-79)

ORDINANCE NUMBER O- **21923** (NEW SERIES)

DATE OF FINAL PASSAGE **MAR 14 2025**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SECOND AMENDMENT TO THE CONSULTANT AGREEMENT WITH MERKEL & ASSOCIATES INC. (H166675) TO PROVIDE CONSULTING SERVICES FOR CIP B10163, MISSION BAY NAVIGATIONAL SAFETY DREDGING PROJECT AND RELATED ACTIONS.

RECITALS

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

A. On June 13, 2016, the City and Merkel & Associates, Inc. (Consultant) entered into a Professional Services Agreement (Agreement) for five (5) years in an amount not to exceed \$303,860, for environmental review and permitting for the Mission Bay Navigational Safety Dredging Project (Project). The First Amendment to the Agreement (First Amendment) which added \$492,434, and extended the Agreement through December 31, 2023, was executed on January 7, 2019.

B. The Agreement required Consultant to provide biological services, environmental reviews, permitting and technical support, environmental monitoring during construction, and post-construction long-term eelgrass monitoring and reporting. Construction for the Project was completed in May 2018. The eelgrass monitoring and reporting was completed in June 2023. Final permitting agency approval, which is required for final Project acceptance, was not received until November 2024.

C. If approved, the Second Amendment to the Agreement (Second Amendment), will be effective December 31, 2023, and will extend the Agreement until April 30, 2025. The

Second Amendment does not add any additional funds or scope of work, it will only add time to allow for final invoice payment for work previously provided.

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 Agreement is subject to San Diego Charter section 99, which provides (subject to certain exceptions) that no contract, agreement, or obligation creating indebtedness and extending for a period of more than five years may be authorized except by 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 Second Amendment.

Section 2. The Mayor, or his designee, is authorized on behalf of the City to sign and deliver the Second Amendment. When signed by both parties, the Second Amendment to the Agreement, will be on file in the office of the City Clerk as Document No. OO- 21923

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: HEATHER FERBERT, City Attorney

By Christina L. Rae
Christina L. Rae
Senior Lead Deputy City Attorney

CLR:jn2
February 4, 2025
Or.Dept: E&CP
Doc. No. 3948510

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on MAR 11 2025.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 3/13/25
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(Note: The date of final passage is March 14, 2025, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

Passed by the Council of The City of San Diego on MAR 11 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 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 MAR 14 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 Linda Druen, 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

FEB 25 2025, and on MAR 14 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 Linda Druen, Deputy
For Connie Patterson

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21923</u>