

ORDINANCE NUMBER O- 21932 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 13 2025

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE THIRD AMENDMENT TO
THE AGREEMENT WITH BURNS & MCDONNELL
ENGINEERING COMPANY, INC., FOR THE LOS
PEÑASQUITOS LAGOON RESTORATION PHASE 1
PROJECT AND RELATED ACTIONS.

RECITALS

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

- A. The Los Peñasquitos Lagoon Restoration Phase 1 project will restore approximately 49 acres of historical salt marsh habitat in the Los Peñasquitos Lagoon (Project).
- B. By Resolution R-312809 (Jan. 8, 2020), the Council approved consultant agreement with Burns & McDonnell Engineering, Inc. (Consultant) for professional engineering services to complete design and environmental permitting for the Project for an amount not to exceed \$4,078,258, which is on file with the City Clerk as Document No. RR-312809 (Contract).
- C. By Resolution R-313948 (Mar. 8, 2022), the City approved the First Amendment to the Contract, which increased the Contract by \$384,324 and expanded the scope of services to include the design of additional storm drain outfalls and Tower Road storm drain diversion, and additional biological surveys and assessments for sediment placement on the beach and near-shore.
- D. On May 22, 2024, under Municipal Code section 22.3018(b), the City approved the Second Amendment to the Contract, which increased the Contract by \$407,640 and expanded the scope of services to include beach replenishment sampling, groundwater investigation, plant

procurement support, additional project management, additional permit meetings and agency coordination due to the lengthy regulatory permit process.

E. The proposed Third Amendment to the Contract will extend the Contract to December 31, 2030, to allow Consultant to complete resource agency permitting, which has been delayed due to new requirements tied to the Water Infrastructure Finance and Innovation Act (WIFIA) and State Revolving Funds (SRF) funding. The additional time will also allow Consultant to provide construction support during the anticipated four-year construction duration.

F. 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.

G. This Contract 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 Third Amendment to the Contract.

Section 2. The Mayor or designee is authorized, on the City's behalf, to sign the Third Amendment to the Contract. When signed by both parties, the Third Amendment will be placed on file in the Office of the City Clerk as Document No. OO-21932.

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 *Dana Fairfield for*
Ryan P. Gerrity
Deputy City Attorney

RPG:cw:jdf
02/05/2025
Or.Dept: Engineering & Capital Projects
Doc. No. 3950487

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 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

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 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 13 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 Kristell 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

FEB 25 2025, and on MAR 13 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 Kristell Medina for Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

21932

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