

#52  
06/24/2025

(O-2025-131)

ORDINANCE NUMBER O- **21979** (NEW SERIES)

DATE OF FINAL PASSAGE **JUN 26 2025**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE OBLIGATIONS OF CONSTRUCTION CONTRACT K-16-1418-DBB-3 WITH DICK MILLER, INC., FOR CONSTRUCTION OF THE SEWER & WATER GJ CROWN POINT SOUTH OF LA PLAYA PROJECT TO EXTEND BEYOND FIVE YEARS THROUGH JUNE 30, 2027.

RECITALS

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

A. On June 17, 2016, the City of San Diego (City) entered into construction contract K-16-1418-DBB-3 (Contract) with Dick Miller, Inc. (Contractor) for construction of the Sewer & Water GJ Crown Point South of La Playa project (Project).

B. The Project consists of relocating approximately 20,705 linear feet of sewer mains, replumbing approximately 196 sewer laterals, abandoning approximately 8,008 linear feet of sewer mains, replacing approximately 12,887 linear feet of water mains, and constructing associated improvements including curb ramps and street resurfacing.

C. On June 8, 2021, Council adopted San Diego Ordinance O-21330 (June 17, 2021), authorizing the obligations under the Contract to extend through June 20, 2022. On June 28, 2022, Council adopted San Diego Ordinance O-21470 (July 11, 2022), authorizing the obligations under the Contract to extend through June 20, 2024.

D. Prior to Project completion, Contractor brought a claim alleging, among other things, that the City's bidding documents were inadequate and failed to properly notify Contractor of the existing subsurface site conditions related to dewatering. The City denied Contractor's allegations in their entirety.

E. Following extensive negotiations, Contractor submitted a signed pre-litigation settlement offer of \$807,505.62 to settle all claims related to the contractual dispute (Settlement). The Settlement amount consists of payment of \$184,923.96 for completed but previously unpaid original contract work, payment of \$331,037.06 for extra work performed, and release of \$291,544.60 in retention.

F. On March 17, 2025, Council approved the Settlement in closed session.

G. The Settlement includes, among other terms, a requirement that Contractor complete certain punch list and Project closeout activities, which necessitates another extension of the Contract obligations in order to carry out this portion of the Settlement.

H. 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.

I. Extension of the 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:

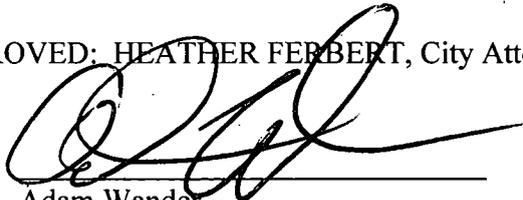
Section 1. The obligations of construction contract K-16-1418-DBB-3 with Dick Miller, Inc., for construction of the Sewer & Water GJ Crown Point South of La Playa project are authorized to extend beyond five years through June 30, 2027, to complete certain punch list and Project closeout activities as required under the Settlement.

Section 2. 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 3. 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



Adam Wander  
Deputy City Attorney

ARW:amt  
May 27, 2025  
Or. Dept: Engineering and Capital Projects  
Doc. No.: 4073324

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on JUN 24 2025.

DIANA J.S. FUENTES  
City Clerk

By   
City Clerk

Approved: 6/26/25  
(date)

  
TODD GLORIA, Mayor

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

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

Passed by the Council of The City of San Diego on JUN 24 2025, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 JUN 26 2025

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 Ginda Shwin, 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

JUN 09 2025, and on JUN 26 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 Ginda Shwin Deputy

Office of the City Clerk, San Diego, California

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