

RESOLUTION NUMBER R- **316882**

DATE OF FINAL PASSAGE **JUL 20 2026**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT AUTHORIZATION OF CONSTRUCTION CHANGE ORDER NO. 1 TO EMERGENCY SOLE SOURCE CONTRACT K-25-2375-EMR-3 WITH ORION CONSTRUCTION CORPORATION FOR THE CHOLLAS MATERIAL BINS EMERGENCY PROJECT IS STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CEQA GUIDELINES SECTION 15359 (EMERGENCY), PUBLIC RESOURCES CODE SECTION 21080(B)(2), CEQA GUIDELINES SECTION 15269(B) (EMERGENCY PROJECTS), PUBLIC RESOURCES CODE SECTION 21080(B)(4), AND CEQA GUIDELINES SECTION 15269(C) (EMERGENCY PROJECTS).

RECITALS

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

A. The Council will consider authorization of Construction Change Order No. 1 to Emergency Sole Source Contract K-25-2375-EMR-3 with Orion Construction Corporation for the Chollas Materials Bins Emergency project (Project).

B. The California Environmental Quality Act (CEQA), California Public Resources Code (Code) sections 21000-21189.91, provides in Code section 21083 that the California Office of Planning and Research will promulgate, and the Secretary of the California Natural Resources Agency will adopt, guidelines for implementation of CEQA. The California Office of Planning and Research promulgated, and the Secretary of the California Natural Resources Agency adopted, the guidelines for implementation of CEQA set forth in Title 14 California Code of Regulations sections 15000 through 15387 (CEQA Guidelines).

C. Code section 21084 requires the CEQA Guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and are

exempt from the provisions of CEQA. CEQA Guidelines sections 15260 through 15285 list the statutory CEQA exemptions promulgated by the California Legislature.

D. The Council considered the written record related to the Project and all public comments about the potential environmental effects of the Project. The Council, using its independent judgment, has determined the Project is statutorily exempt from provisions of CEQA under CEQA Guidelines section 15359 (Emergency) as the project involves a sudden, unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services. It is also exempt from CEQA pursuant to Code section 21080(b)(2), CEQA Guidelines section 15269(b) (Emergency Projects) which exempts emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to public health, safety or welfare, and Code section 21080(b)(4), and CEQA Guidelines section 15269(c) (Emergency Projects) which exempts specific actions necessary to prevent or mitigate an emergency.

E. The Office of the City Attorney prepared this Resolution 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.

ACTION ITEMS

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

1. The Project is statutorily exempt from provisions of CEQA under CEQA Guidelines section 15359 (Emergency), Code section 21080(b)(2), CEQA Guidelines section 15269(b) (Emergency Projects), Code section 21080(b)(4), and CEQA Guidelines section 15269(c) (Emergency Projects).

2. The City Clerk or designee is directed to file a CEQA Notice of Exemption regarding the Project with the Clerk of the Board of Supervisors for the County of San Diego and the State Clearinghouse in the Office of Land Use and Climate Innovation.

APPROVED: HEATHER FERBERT, City Attorney

By



Bonny Hsu
Deputy City Attorney

BH:cw

June 29, 2026

Or.Dept: Engineering & Capital Projects

CC No.: 3000018545

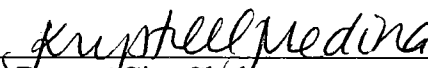
Doc. No.: 4439520

Companion to: R-2026-562

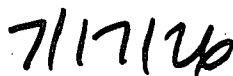
I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
JUL 14 2026

DIANA J.S. FUENTES
City Clerk

By


Deputy City Clerk

Approved:



(date)



TODD GLORIA, Mayor

Vetoed:

(date)

TODD GLORIA, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000018545

DEPT. NO.: 2000

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____

Purpose: _____

Date: _____ By: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE ☐

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$400,000.00

Vendor: Orion Construction

Purpose: To authorize fiscal year 2026 expenditure of funds, not to exceed \$400,000, for the Chollas Material Bins Emergency Construction Project Change Order No. 1.

Date: May 8, 2026 By: Vicki Tran

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Fund	Funded Program	Grant Number	G/L Account	Functional Area	Business Area	Fund Center	IO or WBS Element	Original Amount
I	700011	21005771	N/A	512025	OTHR-00000000-WU	2000	2000211411	N/A	\$400,000.00
TOTAL AMOUNT									\$400,000.00

FUND OVERRIDE ☐

CC 3000018545

Passed by the Council of The City of San Diego on July 14, 2026, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Stephen Whitburn	☒	☐	☐	☐
Henry L. Foster III	☒	☐	☐	☐
Marni von Wilpert	☒	☐	☐	☐
Kent Lee	☒	☐	☐	☐
Raul A. Campillo	☐	☐	☒	☐
Vivian Moreno	☒	☐	☐	☐
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage JUL 20 2026.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA

Mayor of The City of San Diego, California.

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

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