

7/28/2020  
#332  
(R-2021-2)

RESOLUTION NUMBER R- 313178

DATE OF FINAL PASSAGE JUL 30 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING RESERVATION OF RIGHTS  
AGREEMENT WITH SDG&E FOR MONTEZUMA/MID CITY  
PIPELINE PH 2 AND TO AUTHORIZE THE FIRST  
AMENDMENT TO THE RESERVATION OF RIGHTS  
AGREEMENT WITH SDG&E FOR PURE WATER PHASE I.

WHEREAS, the Montezuma/Mid-City Pipeline Phase 2 Project (Project) has entered the construction phase after recently completing the engineering design and bid/award phases. Throughout the design phase of this water main project, the City of San Diego (City) and San Diego Gas & Electric (SDG&E) have coordinated several design reviews and have identified several utility conflicts along the proposed water main alignment which exist in the City's public right-of-way. The conflicts cannot be avoided and the SDG&E gas main utilities must be relocated; and

WHEREAS, Montezuma/Mid-City Pipeline Phase 2 Project will install approximately 4,900 feet (0.93 miles) of new 66-inch diameter Cement Lined and Coated Steel transmission water main from Alvarado Water Treatment Plant to the intersection of 69th and Mohawk Street. The Project involves trenchless technology under I-8 freeway; and

WHEREAS, contrary to the terms of the Franchise Agreement between the City and SDG&E, SDG&E has stated that it will not incur the costs associated with the design and construction of the relocations associated with these conflicts. Correspondence received on July 23, 2019, indicate SDG&E is not willing to pay to relocate these utilities. To avoid any more delay to the construction, the City and SDG&E now wish to enter into an Agreement and amend the Pure Water Reservation of Rights Agreement to move forward with relocation work needed to accommodate the Montezuma/Mid-City Pipeline Phase 2 Project by using a portion of

funding previously provided to SDG&E by the San Diego City Council for the Pure Water Project relocation work. The Montezuma/Mid-City Pipeline Phase 2 project is not a Pure Water Program project; and

WHEREAS, a previous action authorizing the Mayor or his designee to negotiate and execute a Reservation of Rights Agreement with SDG&E for Pure Water Program (Pure Water ROR) projects was approved, via resolution, by the City Council on November 15, 2018.

(R-312063). Through the execution of the Pure Water ROR, the City provided initial funding to SDG&E in the amount of \$35,678,521 for the relocation of existing utility conflicts associated with Phase 1 of the Pure Water Program; and

WHEREAS, as part of the First Amendment to the Reservation of Rights Agreement with SDG&E for Pure Water Program projects, the City authorizes SDG&E to reduce the amount of the \$35,678,521 initial funding provided to SDG&E for the Pure Water Program utility relocation work by \$1,389,000 and to reserve such funds for the Montezuma/Mid-City Pipeline Phase 2 project utility relocation work, thereby changing the total amount of funding available for the design and relocation work for the Pure Water Program to \$34,289,521. Utility conflicts for one of the Pure Water Program projects identified in the First Amendment (B-17153, AC Water Group Job 1038) have been resolved and excess funding will be redirected and reserved for utility relocation work related to the Montezuma/Mid-City Pipeline Phase 2 project; and

WHEREAS, through execution of the Reservation of Rights Agreement with SDG&E for Montezuma/Mid-City Pipeline Phase 2 (Montezuma ROR) Project, the City authorizes SDG&E to use \$1,389,000 from the initial funding provided to SDG&E pursuant to the Pure Water ROR for use on Montezuma/Mid-City Pipeline Phase 2 utility relocation work. Upon the effective date of the Montezuma ROR, SDG&E will begin the relocation of the existing gas utilities that are in


conflict with the Project. The Montezuma ROR requires SDG&E to submit a summary of all charges incurred for gas and electrical relocation work to the City on a monthly basis, and the Montezuma ROR notes that the City has the right to request the return of unspent or unassigned funding at any time; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Mayor or his designee is authorized to execute a Reservation of Rights Agreement with SDG&E for the relocation of existing utility conflicts associated with the Montezuma/Mid-City Pipeline Phase 2 Project.

BE IT FURTHER RESOLVED, that the Mayor or his designee is authorized to execute the First Amendment to the Pure Water Program Reservation of Rights Agreement with SDG&E for the relocation of existing utility conflicts associated with Pure Water Phase 1 Projects.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to transfer appropriations, expenditures, and encumbrances from A-KB.00003, Water Main Replacements (B-17153, AC Water Group Job 1038), within Fund 700105, Water SDG&E Relocation Fund, to CIP S-11026, Montezuma/Mid-City Pipeline Phase 2 Project, within Fund 700105, Water SDG&E Relocation Fund in an amount not to exceed \$1,389,000 contingent upon full execution of the First Amendment to Pure Water Program Reservation of Rights Agreement with SDG&E.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Christine M. Leone  
Chief Deputy City Attorney


CML:soc  
06/24/2020  
Or.Dept: Public Works  
CC No. N/A  
Doc. No.: 2413218

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 07/28/2020.

ELIZABETH S. MALAND  
City Clerk

By /s/ Connie Patterson  
Deputy City Clerk

Approved: 7/29/20  
(date)

  
KEVIN L. FAULCONER, Mayor

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUL 28 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<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"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 30 2020.

**(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:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313178