

-#57
6/22/2021

(O-2021-135)

ORDINANCE NUMBER O-21340 (NEW SERIES)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING A SOLE SOURCE
CONSULTANT SERVICES AGREEMENT WITH THE LOS
PEÑASQUITOS LAGOON FOUNDATION FOR SUPPORT
WITH THE LOS PEÑASQUITOS LAGOON RESTORATION
PROJECT.

WHEREAS, by Resolution No. R9-2012-0033, the San Diego Regional Water Quality Control Board (RWQCB) amended the Water Quality Control Plan for the San Diego Basin (9) to incorporate the Total Maximum Daily Load for Sedimentation in Los Peñasquitos Lagoon (Sediment TMDL); and

WHEREAS, by Resolution No. R9-2013- 0001, the RWQCB issued the National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds Within the San Diego Region, as amended by R9-2015-0001 and R9-2015-0100 (MS4 Permit); and

WHEREAS, final compliance with the Sediment TMDL will be achieved by the restoration of 84 acres of salt marsh habitat in the Los Peñasquitos Lagoon (Lagoon) no later than December 31, 2034; and

WHEREAS, the RWQCB adopted Resolution No. R9-2012-0033 approving an amendment to the Water Quality Control Plan for the San Diego Basin to incorporate the Sediment TMDL on June 13, 2012; and

WHEREAS, the RWQCB adopted Order No. R9-2013-0001 issuing the MS4 Permit to the Phase I MS4s in the San Diego Region on May 8, 2013; and

WHEREAS, the RWQCB has determined that the responsible Copermittees for the Peñasquitos Watershed Management Area under the MS4 Permit are the Cities of San Diego, Del Mar, and Poway, and the County of San Diego (Copermittees); and

WHEREAS, the State Water Resources Control Board adopted Resolution No. 2014-0001 approving the amendment to the Water Quality Control Plan for the San Diego Basin to incorporate the Sediment TMDL on January 21, 2014; and

WHEREAS, the Sediment TMDL was approved by the California State Office of Administrative Law and became effective on July 14, 2014 (Approval Date); and

WHEREAS, the Copermittees have jointly developed the Los Peñasquitos Lagoon Restoration Project to guide their cooperative activities in order to achieve compliance with the Sediment TMDL; and

WHEREAS, the Copermittees are required by the Sediment TMDL to develop and agree upon interim milestones that must be met to attain required reductions in sediment loading and/or show progress in restoring historic salt marsh habitat in the Lagoon within 15 years after the Approval Date of the Sediment TMDL; and

WHEREAS, the City of San Diego wishes to retain the Los Peñasquitos Lagoon Foundation (Foundation) to provide technical and administrative support services for the Technical Advisory Committee; and

WHEREAS, the Foundation has the expertise, experience, and personnel necessary to provide the services; and

WHEREAS, pursuant to San Diego Municipal Code section 22.3016, the Purchasing Agent certified the Agreement because a competitive process would be unavailing or would not

produce an advantage, and that soliciting bids or proposals would be undesirable, impracticable or impossible; and

WHEREAS, under San Diego City Charter section 99, no contract, agreement, or obligation extending for a period of more than five years may be authorized except by Ordinance approved by a two thirds' majority vote of the Council; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, that the Council:

1. Authorizes the Mayor, or his designee, to execute a Consultant Services Agreement in amount not to exceed \$984,700 with the Los Peñasquitos Lagoon Foundation for Support with the Los Peñasquitos Lagoon Restoration Project to achieve compliance with the Total Maximum Daily Load for Sedimentation in Los Peñasquitos Lagoon, on file with the City Clerk as Document No. OO-21340.

2. Authorizes the Chief Financial Officer to expend an amount not to exceed \$73,000.00 from CIP ACC0001, Watershed CIP (B17033, Los Peñasquitos Lagoon Restoration Phase 1), Fund 400265, General Fund CIP Contributions, for the purpose of funding the scope of services to be performed in Fiscal Year 2021.

3. Authorizes the Chief Financial Officer to expend an amount not to exceed \$911,700.00 in Fiscal Years 2022 to Fiscal Years 2035 from CIP ACC0001, Watershed CIP (B17033, Los Peñasquitos Lagoon Restoration Ph 1), for the purpose of executing this Agreement, contingent on the Council's approval of the corresponding Fiscal Year's Appropriation Ordinance, and contingent upon the Chief Financial Officer furnishing certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

4. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

5. That this Ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Mark M. Mercer
Mark M. Mercer
Deputy City Attorney

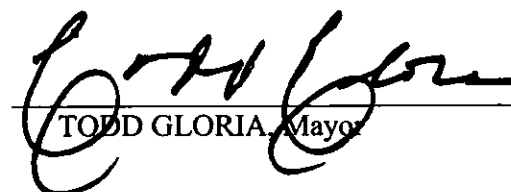
MMM:nja
05/25/21
Or. Dept: Transportation & Storm Water
Doc. No.: 2669597

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 06/29/2021.

ELIZABETH S. MALAND
City Clerk

By /s/Linda Irvin
Deputy City Clerk

Approved: 7/16/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 29 2021, 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"/>
Monica Montgomery Steppe	<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"/>
Chris Cate	<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 JUL 16 2021

AUTHENTICATED BY: TODD GLORIA
Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By Linda Irwin, 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 15 2021, and on JUN 29 2021

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) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By Linda Irwin, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21340