

ORDINANCE NUMBER O- 21435 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 24 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING A FOURTH AMENDMENT TO  
THE AGREEMENT WITH DR. DAVID VICTOR FOR  
ENERGY MARKET EXPERT REVIEW SERVICES  
REGARDING THE SAN VICENTE HYDROELECTRIC  
PUMPED STORAGE PROJECT.

WHEREAS, in October of 2013, the City of San Diego (City) and the San Diego County Water Authority entered into a Memorandum of Understanding for the procurement of professional services to study the feasibility and economic viability for construction of a large hydropower project, the San Vicente Hydroelectric Pumped Storage Project (Project); and

WHEREAS, the City requires continued expertise to understand the regulatory process, pricing, supply – and – demand dynamics, financing options and operational issues related to the Project, and this expertise will enable the City to achieve its goal of minimizing financial risks and maximizing revenue opportunities for the ratepayers through a well-negotiated public-private partnership agreement; and

WHEREAS, the San Diego Public Utilities Department submitted a Sole Source request which was approved by the San Diego Purchasing and Contracting Department on July 1, 2014, to enter into an agreement for Consultant Services for Energy Market Expert Review (Agreement) with Dr. David Victor, a UCSD professor uniquely qualified to bring a critically important, objective third – party evaluation to mitigate the risks associated with a Project of this scope, complexity, and expense; and

WHEREAS, in June 2015, the First Amendment to the Agreement, extended the duration of the services through December 31, 2016 and increased the contract by \$100,000, bringing the total not to exceed amount to \$240,000; and

WHEREAS, in January 2017, the Second Amendment to the Agreement extended the duration of the services through December 31, 2017; and

WHEREAS, in January 2018, the Third Amendment to the Agreement extended the duration of the services through August 22, 2022 and increased the amount by \$240,000, bringing the total not to exceed amount of the Agreement to \$480,000; and

WHEREAS, this Fourth Amendment to the Agreement with Dr. David Victor will extend the duration of the services through August 22, 2025 and increase the amount by \$200,000, bringing the total not to exceed amount of the Agreement to \$680,000; and

WHEREAS, under 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 City Council; NOW, THEREFORE,

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

Section 1. That the Mayor, or his designee, is authorized to execute the Fourth Amendment to the Agreement with Dr. David Victor, for the Energy Market Expert Review Consulting Services, in an amount not to exceed \$200,000, bringing the total not to exceed amount of the Agreement to \$680,000, and to extend the contract term to August 22, 2025, under the terms and conditions set forth in the Fourth Amendment, on file in the Office of the City Clerk as Document No. OO- 21435 .

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$200,000 from 700011, Water Utility Operating Fund, for the purpose of executing this Agreement, contingent upon the adoption of the Appropriation Ordinance for the applicable fiscal years, and contingent upon the Chief Financial Officer first furnishing one or more

certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 3. 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.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Raymond C. Palmucci  
Raymond C. Palmucci  
Deputy City Attorney

RCP:cw  
01/21/22  
Or.Dept: Public Utilities Dept.  
CC No.: N/A  
Doc. No.: 1643155\_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 15 2022.

ELIZABETH S. MALAND  
City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 2/24/22  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

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

Passed by the Council of The City of San Diego on FEB 15 2022, 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 FEB 24 2022.

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 Connie Patterson, 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

JAN 31 2022, and on FEB 24 2022.

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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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