

4/21  
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ORDINANCE NUMBER O- 21185 (NEW SERIES)

DATE OF FINAL PASSAGE APR 23 2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING A THIRD AMENDMENT TO  
THE SOLE SOURCE AGREEMENT WITH RANCHO JAMUL  
II HOLDINGS, LLC TO PURCHASE MITIGATION CREDITS.

WHEREAS, the City of San Diego (City) requires compensatory wetland mitigation credits to fulfill environmental regulatory requirements for compensatory mitigation due to impacts with flood control channel maintenance projects performed by the City; and

WHEREAS, in June 2015 the City entered into a Sole Source Agreement with Rancho Jamul II Holdings, LLC (Contractor) to Purchase Mitigation Credits for a total cost of \$1,072,500 for a term of two (2) years (Agreement); and

WHEREAS, in June 2017 the City and Contractor entered into an Amendment to the Agreement to change the term to four (4) years; and

WHEREAS, in July 2019 the City and Contractor entered into a Second Amendment to the Agreement to change the term to five (5) years; and

WHEREAS, due to the time required for further regulatory permitting review, the City desires to enter into a Third Amendment to the Agreement to change the term to fifteen (15) years; and

WHEREAS, pursuant to San Diego Municipal Code sections 22.3016 and 22.3208, the Purchasing Agent certified the Third Amendment to 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 Charter section 99, no contract, agreement, or obligation extending for a period of more than five (5) 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 designee, is authorized to execute, for and on behalf of the City, the Third Amendment to Sole Source Agreement with Rancho Jamul II Holdings, LLC to Purchase Mitigation Credits, under the terms and conditions set forth in the Third Amendment to the Agreement, on file in the office of the City Clerk as Document No. OO- 21185.

Section 2. 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 3. 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/ David L. Krypel  
David L. Krypel  
Deputy City Attorney

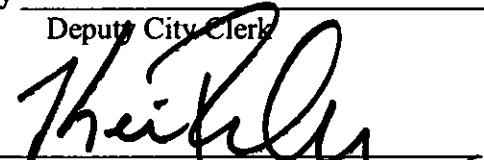
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03/23/2020  
Or.Dept: Transportation & Storm Water

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of April 21, 2020.

ELIZABETH S. MALAND  
City Clerk

By /s/ Matthew R. Hilario  
Deputy City Clerk

Approved: 4/22/2020  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

Passed by the Council of The City of San Diego on APR 21 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 APR 23 2020

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 *[Signature]*, 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

APR 07 2020, and on APR 23 2020.

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 *[Signature]*, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21185</u>