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06/28/2022

(R-2022-590)  
COR. COPY

RESOLUTION NUMBER R- 314202

DATE OF FINAL PASSAGE JUL 11 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE APPROVAL OF THE FIRST AMENDMENT TO THE AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, SAN DIEGO'S SCRIPPS INSTITUTION OF OCEANOGRAPHY, FOR CONTINUED SUPPORT FOR REAL-TIME OCEANOGRAPHIC OBSERVING SYSTEMS FOR THE POINT LOMA AND SOUTH BAY OCEAN OUTFALLS IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTIONS 15301(b) AND 15306.

WHEREAS, the City of San Diego's (City) Real-Time Oceanographic Mooring System (RTOMS) is composed of two oceanographic moorings and real-time data systems deployed and operated near the offshore discharge sites for the Point Loma Ocean Outfall (PLOO) and South Bay Ocean Outfall (SBOO), that were designed, built, operated, and maintained by the Ocean Time Series Group (OTSG) of The Regents of the University of California, San Diego's Scripps Institution of Oceanography (University); and

WHEREAS, on October 17, 2017, the City approved a Sole Source award to the University, resulting in Agreement Between the City of San Diego and the Regents of the University of California for Continued Support for Real-Time Oceanographic Observing Systems for the Point Loma and South Bay Ocean Outfalls on file with the San Diego City Clerk as Document No. R-311361 between the City and the University (Agreement); and

WHEREAS, the Agreement is due to expire on June 30, 2022 and the City wishes to amend its current Agreement for an additional 5-year term (July 1, 2022 to June 30, 2027), with the primary goal of ensuring that the City meets its requirements under the National Pollutant Discharge Elimination System (NPDES) permits for the PLOO and SBOO regions, which

require the City to monitor and to assess the dispersion and fate of the wastewater plumes discharged from both outfalls (Project); and

WHEREAS, the California Environmental Quality Act (CEQA), Public Resources Code section 21084, states that the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.) shall list those classes of projects which have been determined not to have a significant effect on the environment and which shall be exempt from CEQA; and

WHEREAS, under that authority, CEQA Guidelines sections 15300-15333 list the categorical exemptions promulgated by the California Office of Planning and Research and adopted by the Secretary of the California Natural Resources Agency for those classes of projects which have been determined not to have a significant effect on the environment; and

WHEREAS, the Council of the City of San Diego (City Council) has considered the potential environmental effects of the Project; and

WHEREAS, the City Council considered the written record for the Project as well as public comment; and

WHEREAS, the City's Planning Department has established that the Project is categorically exempt from CEQA under CEQA Guidelines section 15301(b) (Existing Facilities) and has determined that the Project is categorically exempt from CEQA, pursuant to State CEQA Guidelines Section 15306 (Information Collection), and that no exception to the exemption, as set forth in CEQA Guidelines section 15300.2, applies to the Project; and

WHEREAS, the Council of the City of San Diego, using its independent judgment, has determined that the Project will not have a significant effect on the environment under CEQA Guidelines section 15301(b) (Existing Facilities), because the area in which the Project is located

consists of monitoring, maintenance and professional services in observing existing infrastructure, and is not environmentally sensitive; and

WHEREAS, the Council of the City of San Diego, using its independent judgment, has determined that the Project is categorically exempt from CEQA, pursuant to State CEQA Guidelines Section 15306 (Information Collection) which exempts basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Project is categorically exempt from CEQA, pursuant to State CEQA Guidelines Section 15301(b) (Existing Facilities) which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use, including existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services, and because the area in which the Project is located is not environmentally sensitive.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the Project is categorically exempt from CEQA, pursuant to State CEQA Guidelines Section 15306 (Information Collection) which exempts basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

BE IT FURTHER RESOLVED, that the Council of the City of San Diego has determined that an exception to the exemptions as set forth in CEQA Guidelines section 15300.2 would not apply.

APPROVED: MARA W. ELLIOTT, City Attorney

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

RCP:cw:jvg  
6/27/2022  
6/28/2022 COR. COPY  
Or.Dept: Public Utilities Department  
CC No.: N/A  
Doc. No.: 3016460

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 28 2022.

ELIZABETH S. MALAND  
City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 7/11/22  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

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

Passed by the Council of The City of San Diego on JUN 28 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 JUL 11 2022.

**(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.

(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- 314202