

#54
01/09/2024

ORDINANCE NUMBER O- 21756 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 16 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING AND APPROVING
MODIFICATION FIVE TO THE GROUND LEASE BETWEEN
THE CITY OF SAN DIEGO AND THE UNITED STATES OF
AMERICA FOR THE MIRAMAR LANDFILL.

WHEREAS, the City of San Diego constructed the Miramar Landfill in 1973, and currently operates the landfill under a 1995 Ground Lease from the United States Government, approved by Ordinance No. OO-18218, which is administered by the Department of the Navy and its Marine Corp Air Station Miramar (“Navy Miramar Lease”); and

WHEREAS, the Navy Miramar Lease was previously modified on September 21, 2007; September 29, 2008; December 22, 2014; and August 20, 2018; and

WHEREAS, the existing Miramar Greenery is located adjacent to the landfill and produces high quality compost, mulch and wood; and

WHEREAS, the Miramar Greenery currently requires transitional relocation and enhancements to comply with the California’s 2016 Senate Bill 1383, which requires diversion of organic waste from landfills, including the Miramar Landfill; and

WHEREAS, the San Diego City Council has taken steps toward the development of an Organics Processing Facility (OPF) to greatly increase the handling capacity and efficiency of organic waste collection, diversion, and disposal at the Miramar Landfill; and

WHEREAS, approval of Modification Five to the Navy Miramar Lease is reasonably necessary for implementation of the OPF project, which involves the transitional relocation of the existing Miramar Greenery and the development, operation, and maintenance of the OPF on Parcel 1 of the Navy Miramar Lease; and

WHEREAS, the City has been conditionally approved for a \$40 million loan from the California Infrastructure and Economic Development Bank (IBank) to assist with the design, development, and construction of the OPF project; and

WHEREAS, the OPF project is expected to increase the City's organic waste processing from 40,000 tons per year to more than 251,000 tons per year; and

WHEREAS, the OPF project will support the City's Climate Action Plan (CAP) Strategies, and the City's Zero Waste Plan goals to divert 90% of trash from landfills by the year 2035 and to have zero waste by 2040; and

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

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff [including information provided by affected third parties and verified by City staff], with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. That an Ordinance authorizing the Mayor, or designee, to enter into and execute Modification Five to the Navy Lease between the City of San Diego and the United States of America, acting by and through the Department of the Navy under the authority contained in 10 U.S.C. § Sec. 2667 (2008), to relocate the existing Miramar Greenery and to authorize the development, operation and maintenance of a new Organics

Processing Facility on Parcel 1 of the Navy Miramar Lease property, according to the terms and conditions of said Modification Five on file in the Office of the City Clerk as Document No.

OO- 21756

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 Frederick M. Orflieb
Frederick M. Orflieb
Senior Deputy City Attorney

FMO:cw
November 27, 2023
Or.Dept: Department of Real Estate and Airport Management
CC No.: N/A
Doc. No. 3485205

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 09 2024.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 1/12/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetocd: _____
(date)

TODD GLORIA, Mayor

(Note: The date of final passage is January 16, 2024, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

Passed by the Council of The City of San Diego on JAN 09 2024, 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"/>
District 4 - vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<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 JAN 16 2024.

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
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

DEC 11 2023, and on JAN 16 2024.

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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21756</u>