

ORDINANCE NUMBER O- 21810 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 11 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE AWARD OF AN ELECTRIC  
VEHICLE CHARGING EQUIPMENT SITE CONCESSION  
AGREEMENT TO TRUE UPSIDE CONSULTING, LLC.

WHEREAS, transportation emissions are the greatest source of greenhouse gas emission in the San Diego region; and

WHEREAS, the City of San Diego Climate Action Plan sets significant targets for the increase in zero-emission electric vehicle miles traveled by 2035; and

WHEREAS, the Climate Action Plan specifically identifies using public lands and parking lots to establish a renewable, reliable, and equitable network of public electric vehicle charging facilities; and

WHEREAS, the City has issued a Request for Proposals (RFP) soliciting offers from private sector partners to finance and develop a public-facing network of electric vehicle charging equipment at City-owned sites City-wide; and

WHEREAS, a prevailing responsive proposal was submitted by True Upside Consulting, LLC to finance the necessary infrastructure improvements, install the electric vehicle charging equipment, and commercially operate the network on a concession basis; and

WHEREAS, the City will use concession revenues and federal and state grants and other incentives to offset the cost of necessary infrastructure improvements; and

WHEREAS, it is in the City's interest to position itself to eventually own the infrastructure assets installed as a part of an electric vehicle charging network; 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, that the Mayor or his designee are hereby authorized to execute an exclusive 10-year concession contract with True Upside Consulting, LLC for the installation, operations, and maintenance of publicly accessible Electric Vehicle Supply Equipment (EVSE) at City parking lots on the terms and conditions contained in the contract document on file in the Office of the City Clerk as Document No.

**00- 21810**

BE IT FURTHER ORDAINED, that pursuant to the provisions of the Electric Vehicle Supply Equipment concession agreement, the Chief Financial Officer is authorized to establish a separate interest-bearing account for an Electric Vehicle Charging Program Fund, and all revenue received per the terms of the agreement shall be allocated to the fund for the term of the contract.

BE IT FURTHER ORDAINED, that all principal and interest in the Electric Vehicle Charging Program Fund shall be used solely for the purposes of covering the City's administrative expense in managing the Electric Vehicle Charging Equipment program and for paying True Upside Consulting, LLC or its successors and assigns for the cost of the infrastructure improvements no later than the end of the concession agreement according to the provisions of the agreement.

BE IT FURTHER ORDAINED, 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.

BE IT FURTHER ORDAINED, 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. Ortlieb  
Frederick M. Ortlieb  
Senior Deputy City Attorney

FMO:cw  
04/15/24  
Or.Dept: Office of the Mayor  
CC No.: N/A  
Doc. No.: 3623223

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 04 2024.

DIANA J.S. FUENTES,  
City Clerk

By Kristell Medina  
Deputy City Clerk

Approved: 6/11/24  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

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

Passed by the Council of The City of San Diego on JUN 04 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"/>
Henry Foster, III	<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"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JUN 11 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 Kristell Medina, 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

MAY 13 2024, and on JUN 11 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 Kristell Medina, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <b>21810</b>