ORDINANCE NUMBER O-21095 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 11 2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AND DELIVER THE MEMORANDUM OF AGREEMENT FOR USE OF COUNTY EMERGENCY VEHICLE OPERATIONS COURSE THAT WILL BE CONTRUCTED BY THE COUNTY ON THE REAL PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 648-070-03 IN THE OTAY MESA AREA.

WHEREAS, the City of San Diego (City), the County of San Diego (County), and the San Diego Community College District (SDCCD) have informally cooperated with the training of safety personnel since 1993, and entered into a Joint Exercise of Powers Agreement on May 15, 2000; and

WHEREAS, the City, County, and SDCCD historically used a portion of the Miramar College campus for emergency vehicle operations trainings until the campus expanded and was no longer able to accommodate that use; and

WHEREAS, following that expansion, the parking lot of SDCCU Stadium (Stadium) is used for the purposes of emergency vehicle operations training, however, the City, County and SDCCD determined that there is a need for a new Emergency Vehicle Operations Course (EVOC) because the Stadium is not laid out ideally for EVOC training, and the training has to be coordinated with numerous events at the Stadium and in the Stadium parking lot; and

WHEREAS, the City, County and SDCCD originally planned to each contribute $5,000,000 to purchase land and develop the EVOC, however, after researching potential properties and construction costs, it was determined that $15,000,000 would be insufficient to accomplish these goals; and
WHEREAS, the County informed the City and SDCCD that it was willing to acquire approximately 40 acres located near the Southeast corner of Alta and Otay Mesa Roads in Otay Mesa at a price of $21,000,000 and to design and construct the EVOC, with the total project costs estimate being $29,140,000; and

WHEREAS, the County has moved forward to acquire the site, fully entitled to allow the EVOC, and escrow is expected to close in July 2019; and

WHEREAS, the City and County have negotiated a Memorandum of Agreement for Use of County Emergency Vehicle Operations Course on file with the City Clerk as Document No.: 00-21095 (Agreement), which requires that the City provide a contribution of $5,000,000 within 60 days of the effective date of the Agreement; and

WHEREAS, the City will have the right to use, without additional charge, the EVOC for a minimum of sixty days per year for fifteen years, which days will not include any days reserved by the City for instruction of the Regional Law Enforcement Academies; and

WHEREAS, the City will also have the right to store equipment related to and necessary for EVOC training at the EVOC facility, and will have the right to use an office space large enough to accommodate two desks and related office equipment; and

WHEREAS, if the County is unable to close escrow or construct the EVOC as required in the Agreement, the City will be entitled to the return of its $5,000,000 contribution plus interest as set forth in the Agreement; and

WHEREAS, Planning Department staff has reviewed three certified environmental documents prepared by the County as the lead agency, specifically the Addendum to the Final Supplemental Environmental Impact Report (SEIR) for the Otay Crossings Commerce Park project certified April 13, 2018, the Final SEIR for the Otay Crossings Commerce Park project
certified October 7, 2011, and the Final EIR for the East Otay Mesa Specific Plan certified on July 27, 1994, and determined that this activity is adequately addressed by those documents as part of the previously approved projects, and this activity is not a separate project for the purposes of California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines section 15060(c)(3) and 15378(c); and

WHEREAS, under San Diego Charter section 99, a supermajority vote of the City Council is required for passage of this Ordinance; 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 and deliver that certain Memorandum of Agreement for Use of County Emergency Vehicle Operations Course with the County of San Diego.

Section 2. That the Chief Financial Officer is authorized to appropriate and expend $5,000,000 from Fund 400006, C.O.-Pueblo Land/Pol. Decentralization, for the purposes of making the City’s contribution payment required by the Agreement, contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

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 Melissa D. Ables
Deputy City Attorney

MDA:nja
06/06/19
Or. Dept: READ
Doc. No.: 2024123

I hereby certify that the foregoing Ordinance was passed by the Council of the City of
San Diego, at this meeting of JUL 09 2019.

ELIZABETH S. MALAND
City Clerk

By
Deputy City Clerk

Approved: 7/11/19
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: 
(date)

KEVIN L. FAULCONER, Mayor
Passed by the Council of The City of San Diego on **JUL 09 2019**, by the following vote:

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<th>Nays</th>
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Date of final passage **JUL 11 2019**.

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

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 **JUN 18 2019**, and on **JUL 11 2019**.

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.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

Office of the City Clerk, San Diego, California

Ordinance Number O-**21095**