

#54
06/14/2022

(O-2022-104)

ORDINANCE NUMBER O- 21463 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 27 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE FIFTH AMENDMENT TO THE LEASE FOR THE CITY COMMUNICATIONS FACILITY ON THE UNITED STATES NAVY'S CONSOLIDATED AREA RADIO TRUNKING SYSTEM COMPLEX AND RELATED ACTIONS.

WHEREAS, the City of San Diego (City) currently leases a portion of real property owned by the United States Navy (Navy) on Mt. Soledad, commonly referred to as the Navy Consolidated Area Radio Trunking System Complex (Navy Property) for the purpose of operating a public safety and emergency radio communications facility under a lease (Lease) approved by the San Diego City Council (Council) in 2009 by Ordinance O-19867; and

WHEREAS, City staff determined that two of the City's antennas need to be relocated to a different tower on the Navy Property in order to achieve better signal strength and radio coverage for first responders and regional fire agencies; and

WHEREAS, the relocation of the antennas requires an amendment to the Lease to reflect the correct description of the leased premises, and to update the rent provisions to reflect an annual increase of \$4,000 in rent to compensate the Navy for the City's use of the additional space on the Navy Property, as more specifically set forth in the Amendment of Solicitation/Modification of Contract, a copy of which is included in the docket materials accompanying this ordinance (Fifth Amendment); and

WHEREAS, if amended, the total rent due for the period from September 1, 2022, through August 31, 2023, will be \$49,820, and the total rent due for the period from September 1, 2023, through August 31, 2024, will be \$51,315, which will be paid from the Wireless Communications Technology Fund 200611; and

WHEREAS, under San Diego Charter section 99, a supermajority vote of the 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 Council approves the Fifth Amendment to the Lease, expanding the leased premises and increasing the rent.

Section 2. That the Mayor or designee is authorized to execute the Fifth Amendment to the Lease, a copy of which, when fully signed, shall be placed on file in the Office of the City Clerk as Document No. OO- 21463.

Section 3. That the Mayor or designee is authorized to execute all additional documents necessary to implement the terms and conditions of the Fifth Amendment to the Lease.

Section 4. That the Chief Financial Officer (CFO) is authorized to appropriate and expend an additional amount not to exceed \$8,000 as additional rent payable under the Fifth Amendment to the Lease for the period from September 1, 2022, through August 31, 2024, from the Wireless Communications Technology Fund 200611, Department of Information Technology BA 1314, contingent upon adoption of annual appropriation of funds for the applicable fiscal year and upon the CFO furnishing one or more certificates certifying that funds necessary for expenditure are or will be on deposit with the City Treasurer.

Section 5. 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 6. 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/ Melissa D. Ables
Melissa D. Ables
Deputy City Attorney

MDA:nja:cw
05/03/2022
Or. Dept: DREAM
Doc. No.: 2969595_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 14 2022.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 6/27/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 14 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 JUN 27 2022

AUTHENTICATED BY:

(Seal)

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

ELIZABETH S. MALAND
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 MAY 17 2022, and on JUN 27 2022.

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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21463