



Real Estate Assets Department

SDC003

City / US Navy / 05
CITY - 289 - C00

Document Type

LEGAL DOCUMENTS



Sub - Category

AMENDMENTS



18



Department of Real Estate
and Airport Management

DOCUMENT ROUTING FORM

Fifth Amendment of Solicitation/Modification of Contract

Title of document to be signed

Carla Gresham

Your Name/Property Agent's Name

Program Manager/Supervisor Signature

Jul 8, 2022

Date

Print name of City Attorney: **Melissa Ables**

MDA
MDA (Jul 7, 2022 13:53 PDT)

City Attorney Initials

Date of City Attorney Approval: **10/29/2021**

Explanation/Notes:

This is the 5th Amendment of Solicitation/Modification of Contract between the US Navy (Lessor) and the City of San Diego (Lessee). This agreement was approved at the City Council meetings held on 5/18 and 6/14.

Attachments:

Deputy Signature: Lucy Contreras

Date: Jul 27, 2022

Amendment of Solicitation/Modification of Contract

Ordinance 21463

MDA

**** For voids, please provide specific information detailing the reason for the void.****



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: July 7, 2022

TO: Penny Maus, Director, Department of Real Estate and Airport Management

FROM: Carla Gresham, Supervising Property Agent, Department of Real Estate and Airport Management via Lucy Contreras, Deputy Director – Department of Real Estate and Airport Management

Subject: Lease Amendment – City/US Navy 05 – Navy's Mt. Soledad Communications Facility

Background & Purpose:

On September 1, 2009, the City entered in to a 15-year Lease with the Navy for the installation of a SDFD radio communications facility at their Navy Consolidated Area Radio Trunking System Complex located near Mt. Soledad.

The facility is located on an approximately 825 square foot site and includes a 360 square foot equipment shelter known as "Building 509", a 50-foot monopole referred to as "Tower 510", and an emergency power generator. The facility is an integral part of the City's overall public communications network; to enhance coverage, some modifications are required. The proposed modifications include relocating two antennas from their existing site to the Navy's "Tower 511" at a height of 60 feet and 100 feet to achieve better signal strength and radio coverage for first responders and regional fire agencies.

License Agreement History for the Property

The proposed modifications to the facility require an amendment to the Lease to update the new location of the antennas on the site and to update the rent provisions reflecting an increase in rent in the amount of \$4,000.00 per year for use of the additional space. The Lease has two remaining years of term and is scheduled to expire on August 31, 2024.

This Lease has been amended four times between 2009 and 2021 to reflect updates in the Navy's noticing/payment information for its utility provider, updates reflecting the City's exercise of its option to extend the Lease and updates to the Navy's general noticing/payment information. This will be the fifth amendment to the Lease.

The proposed amendment and modifications to the site will facilitate the enhancement of one of SDFD's public communications networks. Additionally, rent will increase by \$4,000.00 for

the remainder of the term for the space the City will be using, as well as maintenance costs for the tower. The total rent will adjust to \$49,820.00 for the period of September 1, 2022 through August 2023. The total rent will adjust to \$51,315.00 period of September 1, 2023 through August 2024. The increased expenditure will be paid from the Wireless Communications Technology Fund 200611, for rent due in accordance with the terms of the Lease as amended.

Discussion:

The fifth amendment to the contract is ready for review and signature. The contract needs to be executed, by the City of San Diego, no later than COB on July 22, 2022, as requested by the Navy to ensure the agreement is fully executed and processed prior to September 1, 2022. The City will sign the agreement first, as Lessee, and the US Navy, as Lessor, will then sign the agreement. The agreement will be effective September 1, 2022.

The agreement was approved during the Land Use and Housing Meeting on April 21, 2022 and the City Council Meetings on May 18, 2022 and June 14, 2022.

Market Rent Valuation

Not needed.

Insurance

Lessee has maintained the insurance coverages required by the Lease.

Rent Payment History

This is a non-revenue Lease.

Processing Fee

Not applicable.

Environmental Review

Development Services determined this activity to be categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

RECOMMENDED FOR APPROVAL:

Carla Gresham

Carla Gresham
Supervising Property Agent, Lease Administration

Nicole McGinnis

Nicole McGinnis
Program Manager, Lease Administration

Attachments: Document Routing Form
Fifth Amendment of Solicitation/Modification of Contract



The City of San Diego

Staff Report

DATE ISSUED: 4/21/2022

TO: City Council

FROM: Department of Real Estate and Airport Management

SUBJECT: Lease Amendment for City Communications Facility on the US Navy's Consolidated Area Radio Trunking System Complex

Primary Contact: Nicole McGinnis Phone: (619) 236-6987

Secondary Contact: Carla Gresham Phone: (619) 279-9936

Council District(s): 1

OVERVIEW:

In 2009, the City entered into a 15-year lease (Lease) with the United States Navy (Navy) for the purposes of operating a San Diego Fire Department (SDFD) public safety and emergency radio communications facility. The facility is located on property owned by the Navy in the Mt. Soledad area, commonly referred to as the Navy Consolidated Area Radio Trunking System Complex and is an integral part of the City's overall public communications network. The leased premises is an approximately 825 square foot site, which includes a 360 square foot equipment shelter known as "Building 509," a 50-foot monopole referred to as "Tower 510" and an emergency power generator.

There are currently two City-owned antennas located on the site, which are proposed to be relocated from the City's shelter and tower to the Navy's Tower 511. Since the proposed modification requires additional space from the Navy, an amendment to the Lease is required. The amendment to the Lease includes an update to the leased premises to include the additional space and includes updates to the rent provisions reflecting an increase in rent in the amount of \$4,000.00 per year for use of the additional space, which will be paid Wireless Communications Technology Fund 200611. There are three years remaining on the lease, which will expire on August 31, 2024.

PROPOSED ACTIONS:

1. An ordinance authorizing the Mayor, or designee, to approve the Fifth Amendment to the Lease between the City (Department of IT/Wireless Services) and the Navy to update the new location of the antennas on the public safety communications facility site and to update the rent provisions reflecting an increase in rent in the amount of \$4,000.00 per year for use of the additional space. The Lease has two remaining years of term and is scheduled to expire on August 31, 2024.
2. Authorize the Chief Financial Officer to appropriate and expend an amount not to exceed \$8,000 for the term of the lease from the Wireless Communications Technology Fund 200611, Department of Information Technology BA 1314, contingent upon adoption of annual funds for the applicable fiscal year and upon the Chief Financial Officer furnishing one or more certificates certifying that funds

necessary for expenditure, are, or will be, on deposit with City Treasurer. The total amount of \$8,000 is additional rent to the Lease.

3. Declare that the Lease Amendment for the City's Communications Facility on the US Navy's Consolidated Area Radio Trunking System Complex is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (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.
4. Declare that the Council of the City of San Diego has determined that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

DISCUSSION OF ITEM:

Background

On September 1, 2009, the City entered in to a 15-year Lease with the Navy for the installation of a SDFD radio communications facility at their Navy Consolidated Area Radio Trunking System Complex located near Mt. Soledad.

The facility is located on an approximately 825 square foot site and includes a 360 square foot equipment shelter known as "Building 509," a 50-foot monopole referred to as "Tower 510" and an emergency power generator. The facility is an integral part of the City's overall public communications network and to enhance coverage, some modifications are required. The proposed modifications include relocating two antennas from their existing site to the Navy's "Tower 511" at a height of 60 feet and 100 feet to achieve better signal strength and radio coverage for first responders and regional fire agencies.

Lease Amendment

The proposed modifications to the facility require an amendment to the Lease to update the new location of the antennas on the site and to update the rent provisions reflecting an increase in rent in the amount of \$4,000.00 per year for use of the additional space. The Lease has two remaining years of term and is scheduled to expire on August 31, 2024.

This Lease has been amended four times between 2009 and 2021 to reflect updates in the Navy's noticing/payment information for its utility provider, updates reflecting the City's exercise of its option to extend the Lease and updates to the Navy's general noticing/payment information. If approved, this will be the fifth amendment to the Lease.

The proposed amendment and modifications to the site will facilitate the enhancement of one of SDFD's public communications networks. Additionally, rent will increase by \$4,000.00 for the remainder of the term for the space the City will be using, as well as maintenance costs for the tower. The total rent will adjust to \$49,820.00 for the period of September 1, 2022 through August 2023. The total rent will adjust to \$51,315.00 period of September 1, 2023 through August 2024. The increased expenditure will be paid from the Wireless Communications Technology Fund 200611, for rent due in accordance with the terms of the Lease as amended.

City staff is requesting the authority for the Mayor's designated representative to execute a Fifth Amendment to the Lease with the Navy for the continued operation of the SDFD's emergency radio public safety communications facility.

Staff Recommendation: Approve requested action.

City of San Diego Strategic Plan:

This item relates to the Strategic Plan's Customer Service Operating Principle by allowing the City's public safety networks to be upgraded. This network is utilized by first responders and regional fire agencies which thereby enhances public safety services, putting people and their safety first.

Fiscal Considerations:

An annual rent increase in the amount of \$4,000 will be paid from the Wireless Communications Technology Fund 200611. The total rent will adjust to \$49,820.00 for the period of September 1, 2022 through August 2023. The total rent will adjust to \$51,315.00 period of September 1, 2023 through August 2024. The increased expenditure will be paid from the Wireless Communications Technology Fund 200611, for rent due in accordance with the terms of the Lease as amended.

Charter Section 225 Disclosure of Business Interests:

Lease Contract No. N6247309RP00030, Document No. 00-19867, filed May 26, 2009. Ordinance No. 0-19867, Final passage on June 2, 2009 is associated with this action.

Environmental Impact:

This activity is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

Climate Action Plan Implementation:

N/A –Does not have a connection to the CAP.

Equal Opportunity Contracting Information (if applicable):

The US Navy is a Government Agency created under authority of law, and as such, is exempt from submitting a Work Force Report. Refer to San Diego Municipal Code Section 22.2703(b).

This agreement is subject to the City's Equal Employment Opportunity Outreach Program (San Diego Ordinance No. 18173, Municipal Code Sections 22.2701 through 22.2708) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

Previous Council and/or Committee Actions:

Original approval of Lease Contract No. N6247309RP00030, Document No. 00-19867, filed May 26, 2009. Ordinance No. 0-19867, Final passage on June 2, 2009.

Key Stakeholders and Community Outreach Efforts:

The key stakeholders are the public and communities that benefit from the public safety services that are provided, via the City's network, as a result of the technology that is located on this communications facility.

Penny Maus

Alia Khouri

Director, Real Estate and Airport Management

Deputy Chief Operating Officer

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	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Stephen Whitburn	☒	☐	☐	☐
Monica Montgomery Steppe	☒	☐	☐	☐
Marni von Wilpert	☒	☐	☐	☐
Chris Cate	☒	☐	☐	☐
Raul A. Campillo	☒	☐	☐	☐
Vivian Moreno	☒	☐	☐	☐
Sean Elo-Rivera	☒	☐	☐	☐

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

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE N6247309RP00030	PAGE 1 OF 2 PAGES
2. AMENDMENT/MODIFICATION NO. FIVE (5)	3. EFFECTIVE DATE 1 Sept 2022	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
6. ISSUED BY Naval Facilities Engineering Systems Command Southwest 750 Pacific Highway San Diego, CA 92132-5190 Attn: Real Estate Contracting Officer	CODE AM1.LG	7. ADMINISTERED BY (If other than Item 6) Naval Facilities Engineering Systems Command Southwest 750 Pacific Highway San Diego, CA 92132-5190 Attn: Real Estate	CODE GRV11
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) THE CITY OF SAN DIEGO Department of Real Estate and Airport Management 1200 THIRD AVENUE, SUITE 1700 MS-51A SAN DIEGO, CA 92101		☒ 9A. AMENDMENT OF SOLICITATION NO. ☐ 9B. DATED (SEE ITEM 11) ☐ 10A. MODIFICATION OF CONTRACT/ORDER NO. N6247309RP00030 ☐ 10B. DATED (SEE ITEM 13)	
EXP.: 31 AUGUST 2024			
CODE NBPL	FACILITY CODE N63406		

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☐ is extended, ☐ is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment your desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
☐	
☐	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
☐	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
☒	D. OTHER (Specify type of modification and authority) BY MUTUAL AGREEMENT OF THE PARTIES

E. IMPORTANT: Contractor ☐ is not, ☒ is required to sign this document and return 1 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

THIS MODIFICATION MAKES THE FOLLOWING CHANGES:

SEE ATTACHED PAGE 2.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Penny Maus, Director		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) LACEY L. BARNHILL, Real Estate Contracting Officer	
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED 7/28/2022	16B. UNITED STATES OF AMERICA BARNHILL LACEY L. 13954 Y.L.1395452629 Date: 2022.08.16 11:40:43 -0700	16C. DATE SIGNED 16 Aug 2022

NSN 7540-01-152-8070
Previous edition unusable

Approved As to Form
Mara W. Elliott

BY: Melissa Ables DATE: 8/10/2022
NAME: Melissa Ables TITLE: Deputy City Attorney

DOCUMENT NO. 00-21463
FILED JUN 14 2022
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

STANDARD FORM 30 (REV. 10-83)
Prescribed by GSA FAR (48 CFR) 53.243

INSTRUCTIONS

Instructions for items other than those that are self-explanatory, are as follows:

(a) Item 1 (Contract ID Code). Insert the contract type identification code that appears in the title block of the contract being modified.

(b) Item 3 (Effective date).

- (1) For a solicitation amendment, change order, or administrative change, the effective date shall be the issue date of the amendment, change order, or administrative change.
- (2) For a supplemental agreement, the effective date shall be the date agreed to by the contracting parties.
- (3) For a modification issued as an initial or confirming notice of termination for the convenience of the Government, the effective date and the modification number of the confirming notice shall be the same as the effective date and modification number of the initial notice.
- (4) For a modification converting a termination for default to a termination for the convenience of the Government, the effective date shall be the same as the effective date of the termination for default.
- (5) For a modification confirming the contracting officer's determination of the amount due in settlement of a contract termination, the effective date shall be the same as the effective date of the initial decision.

(c) Item 6 (Issued By). Insert the name and address of the issuing office. If applicable, insert the appropriate issuing office code in the code block.

(d) Item 8 (Name and Address of Contractor). For modifications to a contract or order, enter the contractor's name, address, and code as shown in the original contract or order, unless changed by this or a previous modification.

(e) Item 9. (Amendment of Solicitation No. - Dated). and 10. (Modification of Contract/Order No. - Dated). Check the appropriate box and in the corresponding blanks insert the number and date of the original solicitation, contract, or order.

(f) Item 12 (Accounting and Appropriation Data). When appropriate, indicate the impact of the modification on each affected accounting classification by inserting one of the following entries.

(1) Accounting classification _____
Net increase \$ _____

(2) Accounting classification _____
Net decrease \$ _____

NOTE: If there are changes to multiple accounting classifications that cannot be placed in block 12, insert an asterisk and the words "See continuation sheet".

(g) Item 13. Check the appropriate box to indicate the type of modification. Insert in the corresponding blank the authority under which the modification is issued. Check whether or not contractor must sign this document. (See FAR 43.103.)

(h) Item 14 (Description of Amendment/Modification).

(1) Organize amendments or modifications under the appropriate Uniform Contract Format (UCF) section headings from the applicable solicitation or contract. The UCF table of contents, however, shall not be set forth in this document

(2) Indicate the impact of the modification on the overall total contract price by inserting one of the following entries:

(i) Total contract price increased by \$ _____

(ii) Total contract price decreased by \$ _____

(iii) Total contract price unchanged.

(3) State reason for modification.

(4) When removing, reinstating, or adding funds, identify the contract items and accounting classifications.

(5) When the SF 30 is used to reflect a determination by the contracting officer of the amount due in settlement of a contract terminated for the convenience of the Government, the entry in Item 14 of the modification may be limited to --

(i) A reference to the letter determination; and

(ii) A statement of the net amount determined to be due in settlement of the contract.

(6) Include subject matter or short title of solicitation/contract where feasible.

(i) Item 16B. The contracting officer's signature is not required on solicitation amendments. The contracting officer's signature is normally affixed last on supplemental agreements.

LEASE BETWEEN THE CITY OF SAN DIEGO AND UNITED STATES
GOVERNMENT

MODIFICATION FIVE (5)

PAGE 2

1. Article 1A of the Lease Agreement is hereby amended by deleting therefrom the words "Government does hereby lease, rent, and demise to Lessee, and Lessee does hereby hire and rent from the Government approximately 825 square feet of site area, which includes a 360 square feet equipment shelter, a 50 foot monopole, an 10 x 10 concrete pad and generator, hereafter referred to as the Leased Premises at the Navy Consolidated Area Radio Trunking System Complex as shown on Attachment A attached hereto and made a part hereof, together with all improvements and all related Personal Property as described and/or shown in Attachment A, and with all rights of access to the Leased Premises for ingress, egress, parking, and utilities as provided in accordance with Paragraphs 10 and 30 below," and replacing it with "Government does hereby lease, rent and demise to Lessee, and Lessee does hereby rent from the Government at the leased premises, more particularly described as approximately 825 square feet of site area which includes a 360 square feet equipment shelter known as building 509, a 50 foot monopole on Tower 510, two antennas on Tower 510 and a 10 x 10 concrete pad and generator, hereafter referred to as the Leased Premises at the Navy Consolidated Area Radio Trunking System Complex as shown on Attachment A, attached hereto and made a part hereof, together with all improvements and all related Personal Property as described and/or shown in Attachment A, and with all rights of access to the Leased Premises for ingress, egress, parking, and utilities as provided in accordance with Paragraphs 10 and 30 below."

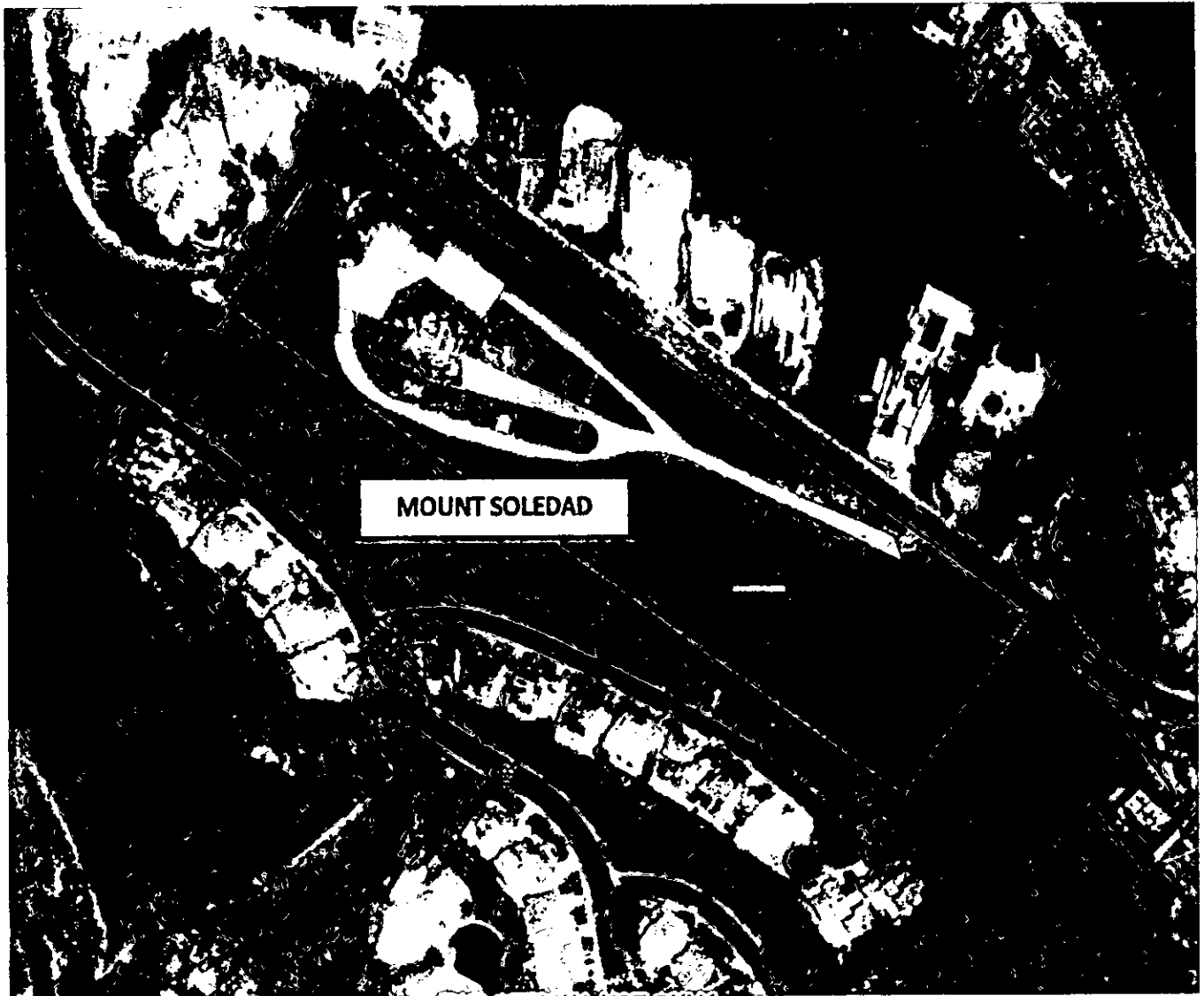
2. Article 3 of the lease, "Consideration", is hereby amended by replacing the "Rent Schedule" with the following:

Year 11: 1 September 2019 through 31 August 2020:	\$41,930.00
Year 12: 1 September 2020 through 31 August 2021:	\$43,190.00
Year 13: 1 September 2021 through 31 August 2022:	\$44,480.00
Year 14: 1 September 2022 through 31 August 2023:	\$49,820.00
Year 15: 1 September 2023 through 31 August 2024:	\$51,315.00

DEPARTMENT OF THE NAVY NAVAL BASE POINT LOMA, CA	INSTALLATION: NAVAL BASE POINT LOMA, CA REAL ESTATE PROJECT: MODIFY EXISTING LEASE AGREEMENT BETWEEN DEPARTMENT OF THE NAVY AND CITY OF SAN DIEGO TO INSTALL ADDITIONAL PUBLIC SAFETY COMMUNICATION EQUIPMENT ON MOUNT SOLEDAD
DATE: 28 APRIL 2021	PREPARED BY: ANNELISE WILDING

Attachment A

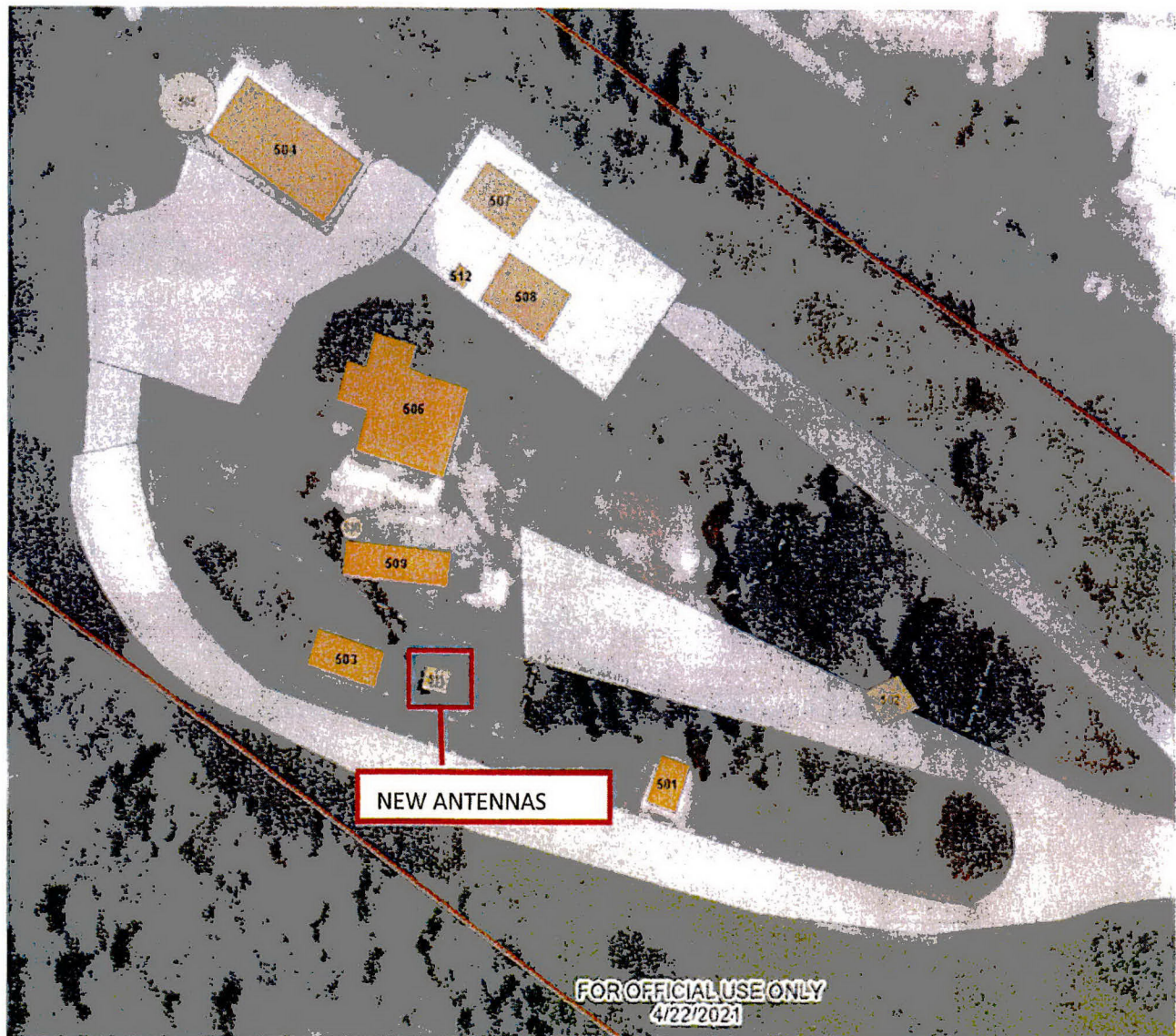
Image 01 - Map - Vicinity



DEPARTMENT OF THE NAVY NAVAL BASE POINT LOMA, CA	INSTALLATION: NAVAL BASE POINT LOMA, CA REAL ESTATE PROJECT: MODIFY EXISTING LEASE AGREEMENT BETWEEN DEPARTMENT OF THE NAVY AND CITY OF SAN DIEGO TO INSTALL ADDITIONAL PUBLIC SAFETY COMMUNICATION EQUIPMENT ON MOUNT SOLEDAD
DATE: 28 APRIL 2021	PREPARED BY: ANNELISE WILDING

Attachment A

Image 02 – Site Map



#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 June 14, 2022, by the following vote:

YEAS: LACAVA, CAMPBELL, WHITBURN, MONTGOMERY STEPPE, VON

WILPERT, CATE, CAMPILLO, MORENO, & ELO-RIVERA.

NAYS: NONE.

NOT PRESENT: NONE.

RECUSED: NONE.

AUTHENTICATED BY:

TODD GLORIA

Mayor of The City of San Diego, California

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(Seal)

By: Connie Patterson, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true, and correct copy of
ORDINANCE NO. O-21463 (New Series) of The City of San Diego, California.

I FURTHER CERTIFY that said 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 June 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.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(SEAL)

By: Connie Patterson, Deputy

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	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Stephen Whitburn	☒	☐	☐	☐
Monica Montgomery Steppe	☒	☐	☐	☐
Marni von Wilpert	☒	☐	☐	☐
Chris Cate	☒	☐	☐	☐
Raul A. Campillo	☒	☐	☐	☐
Vivian Moreno	☒	☐	☐	☐
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage JUN 27 2022

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

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