

Item 10
4/30

(R-2013-284)
COR.COPY

RESOLUTION NUMBER R- 308126

DATE OF FINAL PASSAGE MAY 16 2013

RESOLUTION OF THE CITY COUNCIL TO AUTHORIZE A REIMBURSEMENT AGREEMENT WITH KILROY REALTY CORPORATION FOR TORREY MEADOWS DRIVE (FORMERLY STREET 'B') OVERCROSSING DESIGN WORK IN THE TORREY HIGHLANDS COMMUNITY, AND AUTHORIZE A COOPERATIVE AGREEMENT WITH THE STATE OF CALIFORNIA, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION (CALTRANS).

WHEREAS, on October 16, 2008, City approved Neighborhood Use Permit No. 601521 for Santa Fe Summit II and III/Project No. 131969 recorded on February 25, 2009 as Document No. 2009-0093095 in the Office of the San Diego County Recorder, which authorizes development of four commercial office buildings, each approximately 120,000 to 150,000 gross square feet, not to exceed a total of 600,000 gross square feet, and three parking structures totaling approximately 280,175 square feet; and

WHEREAS, Kilroy Realty Corporation (Kilroy) plans to design the Torrey Meadows Drive, formerly Street "B," Overcrossing as Project No. T-9 in the Torrey Highlands Community in accordance with the Torrey Highlands Public Facilities Financing Plan; and

WHEREAS, on NOV 27, 2012, the City Council adopted Resolution No. R-307857 approving the Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) as defined in San Diego Municipal Code section 61.2202(i), for Fiscal Year 2013 (Financing Plan), on file in the Office of the City Clerk as Document No. RR-307857. The Financing Plan identifies and includes the Torrey Meadows Drive, formerly Street "B," Overcrossing as Project No. T-9; and

WHEREAS, the Transportation Phasing Plan (TPP), which is an Appendix to the Financing Plan, allows Kilroy to proceed with the remaining 300,000 square feet of commercial

office space in exchange for Kilroy's agreement to complete the design of Project No. T-9 to the satisfaction of Caltrans and the City; and

WHEREAS, Project No. T-9 will cross over State Route 56 and therefore requires approval from Caltrans. A Cooperative Agreement with Caltrans is proposed for the Project Initiation Document phase work and oversight (Cooperative Agreement); NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor is authorized and directed to execute, for and on behalf of City, the Reimbursement Agreement for Torrey Meadows Drive (Formerly Street 'B') Overcrossing Design Work in the Torrey Highlands Community, on file in the Office of the City Clerk as Document No. RR-308126⁻¹ (Agreement), under the terms and conditions set forth in the Agreement.

BE IT FURTHER RESOLVED, that the Mayor is authorized and directed to execute, for and on behalf of City, the Cooperative Agreement, on file in the Office of the City Clerk as Document No. RR-308126⁻², under the terms and conditions set forth in the Cooperative Agreement.

BE IT FURTHER RESOLVED, that Council Policy 300-07, Consultant Services Selection, is waived with respect to TY Lin with whom Kilroy entered into a contract for the Project that is the subject of the Agreement prior to the effective date of the Agreement.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend an amount not to exceed One Million Two Hundred Ninety-Seven Thousand Seven Hundred Fifteen Dollars (\$1,297,715) as set forth in the Agreement, from the WBS S-10015, Torrey Meadows Drive (formerly Street "B") Overcrossing, Fund No. 400094, Torrey Highlands FBA, consistent with the timing established in the most recently adopted Financing Plan, and 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.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend an amount not to exceed One Hundred Thousand Dollars (\$100,000) from the WBS S-10015, Torrey Meadows Drive (formerly Street "B") Overcrossing, Fund No. 400094, Torrey Highlands FBA, consistent with the timing established in the most recently adopted Financing Plan, and 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.

BE IT FURTHER RESOLVED, that the Chief Financial Officer, upon advice from the administering department, is hereby authorized to transfer excess funds, if any, to the appropriate reserves.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Hilda R. Mendoza
Deputy City Attorney

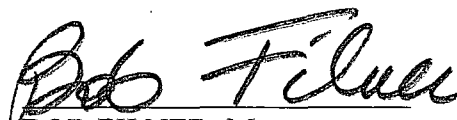
HRM:als
12/20/2012
04/29/2013 Cor. Copy
Or.Dept:Facilities Financing
Doc. No.: 352914_4

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 30 2013.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5/10/13
(date)


BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor

Passed by the Council of The City of San Diego on APR 30 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<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"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 16 2013.

AUTHENTICATED BY:

BOB FILNER
Mayor of The City of San Diego, California.

(Seal)

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

By  Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 308126