

ORDINANCE NUMBER O- 20584 (NEW SERIES)DATE OF FINAL PASSAGE DEC 16 2015

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER THE SECOND AMENDMENT TO LEASE BETWEEN RUFFIN-SD, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND THE CITY OF SAN DIEGO, WHICH INCLUDES ADDING ADDITIONAL OFFICE SPACE; AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO MAKE CERTAIN EXPENDITURES THEREFOR.

WHEREAS, the City of San Diego (City) entered into a lease dated December 7, 2007, with Ruffin-SD, LLC a California limited liability company (Lessor) for office space in the building at 9370 Chesapeake Drive, San Diego (Lease), specifically, Suite 100 (Premises), which was approved by the City Council of San Diego (City Council) on November 20, 2007, by Ordinance No. O-19686. The Lease includes Lease Addendum Number One, Lease Addendum Number Two, and the executed Commencement Agreement, all by and between Lessor and City; and

WHEREAS, the City and Lessor entered into the First Amendment to Lease with an effective date of June 1, 2014, extending the term of the Lease to May 31, 2020, providing an option to extend the term of the Lease for an additional five (5) year period under certain conditions, and adjusting the lease rental rate, among other items as set forth in the First Amendment, which was approved by City Council on November 25, 2014, by Ordinance No. O-20430; and

WHEREAS, the City and Lessor have agreed to amend the Lease (Second Amendment to the Lease), subject to City Council's approval, to among other things: (1) expand the Premises of the Lease to include 6,486 square feet of adjoining office space identified as Suite 150

(Expansion Space), for the remaining term of the Lease and any options to extend the lease term that the City may exercise, at the initial monthly rental rate of \$1.85 per rentable square foot, i.e. \$11,999.10 per month, plus the electrical costs and Operating Expenses (as that term is defined in the Lease); (2) add an additional 23 parking spaces available to City onsite at no additional costs; (3) establish calendar year 2016 as the Expansion Space Base Year (as that term is defined in the Second Amendment to Lease) for operating expense increases for the Expansion Space; and (4) require Lessor to expend up to \$50,000.00 for improvements to the Expansion Space; all as more fully set forth in the proposed Second Amendment to Lease; 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 Second Amendment to Lease between Ruffin-SD, LLC, a limited liability company, as Lessor, and the City of San Diego as lessee, and on file with the Office of the City Clerk as Document No. OO- 20584.

Section 2. That the Chief Financial Officer is authorized to appropriate and expend funds up to \$780,857.00 (\$80,950 for FY16 and \$699,907 for FY17-FY20) for the purpose of executing and carrying out the terms of the Second Amendment to Lease from the General Fund 100000, Cost Center 9912001112, General Ledger 512217, contingent upon the approval of the Appropriation Ordinances for the appropriate fiscal years and the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be on deposit with the City Treasurer.

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: JAN I. GOLDSMITH, City Attorney

By Melissa D. Ables  
Melissa D. Ables  
Deputy City Attorney

MDA:mcm  
November 3, 2015  
Or.Dept: Real Estate Asset Dept.  
Doc. No.: 1159730

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 08 2015.

ELIZABETH S. MALAND  
City Clerk

By [Signature]  
Deputy City Clerk

[Signature]  
KEVIN L. FAULCONER, Mayor

Approved: 12/15/15  
(date)

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on DEC 08 2015, by the following vote:

| Councilmembers  | Yeas                                | Nays                     | Not Present              | Recused                  |
|-----------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Sherri Lightner | <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"/> |
| Todd Gloria     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Myrtle Cole     | <input checked="" 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"/> |
| Chris Cate      | <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 DEC 16 2015.

AUTHENTICATED BY:

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

(Seal)

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

By Stacy Roney, 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

NOV 17 2015, and on DEC 16 2015.

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 Stacy Roney, Deputy

Office of the City Clerk, San Diego, California

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