

ORDINANCE NUMBER O- 20585 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 28 2016

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE MAYOR TO EXECUTE A  
FIRST AMENDMENT FOR PUBLIC FACILITIES IN TORREY  
HIGHLANDS WITH KB HOME COASTAL, INC.

WHEREAS, on January 30, 2015, the City of San Diego and KB Home Coastal, Inc. (Developer) entered into that certain Reimbursement Agreement No. 1271474, with respect to the design and construction of the northerly portion of Project No. T-5.2, road widening from Sundance to SR-56, and Project No. U-3, water mains, in the Torrey Highlands community, which Reimbursement Agreement is on file in the Office of the City Clerk as Document No. OO- 20451 (Original Agreement); and

WHEREAS, under the Original Agreement provides that the Estimated Project Cost is one million fifty eight thousand nine hundred seventeen dollars (\$1,058,917), including \$785,760 for Project No. T-5.2 and \$273,157 for Project No. U-3; and

WHEREAS, the contract bids and the current cost estimates have been higher than expected, and therefore the City and Developer desire to amend the Original Agreement to increase the Estimated Project Cost to one million four hundred sixty four thousand eight hundred and sixty five dollars (\$1,464,865), including \$1,090,143 for Project No. T-5.2 and \$374,722 for Project No. U-3; and

WHEREAS, the First Amendment to Reimbursement Agreement for Public Facilities in Torrey Highlands (Amendment) with Developer is on file in the Office of the City Clerk as Document No. OO- 20585 and sets forth amended terms and conditions to the Original Agreement; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

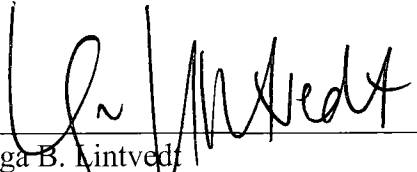
Section 1. That the Mayor be and hereby is authorized and empowered to execute, for and on behalf of the City, the Amendment to increase the Estimated Project Cost to one million four hundred sixty four thousand eight hundred and sixty five dollars (\$1,464,865), including \$1,090,143 for Project No. T-5.2 and \$374,722 for Project No. U-3.

Section 2. That the Chief Financial Officer, provided the Amendment is authorized and fully executed, is authorized to expend an amount not to exceed \$1,090,143 for Project No. T-5.2 and \$374,722 for Project No. U-3, from Torrey Highlands Fund No. 400094, consistent with the timing established in the Torrey Highlands Public Facilities Financing Plan, the Original Agreement, the Amendment, and contingent upon Chief Financial Officer certifying that 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, having been introduced and adopted by a two-thirds vote of the members of the San Diego City Council pursuant to Section 99 of the Charter of the City of San Diego, shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
\_\_\_\_\_  
Inga B. Mintvedt  
Deputy City Attorney

IBL: mm  
November 13, 2015  
Or.Dept: Facilities Financing  
Doc. No.: 1166224

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 12 2016.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 1/26/16  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

Passed by the Council of The City of San Diego on JAN 12 2016, 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 JAN 28 2016.

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 Aty Brady, 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

DEC 08 2015, and on JAN 28 2016.

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 Aty Brady, Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- 20585