

Item 53 5/17/2016

(O-2016-71)
Cor. Copy

ORDINANCE NUMBER O- 20654 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 22 2016

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A REIMBURSEMENT AGREEMENT FOR A PORTION OF PROJECT NO. 34-2B, MIRA MESA BOULEVARD MEDIAN, MIRA MESA BOULEVARD AND HIBERT STREET TRAFFIC SIGNAL, AND ERMA ROAD IMPROVEMENTS IN THE SCRIPPS MIRAMAR RANCH COMMUNITY.

WHEREAS, on January 6, 2009, by San Diego Resolution R-304583, the City Council granted Planned Development Permit No. 294375 and Site Development Permit No. 294373 to Developer subject to certain conditions determined to be necessary to serve the Casa Mira View project (Development) by Scripps Mesa Developers, LLC (Developer); and

WHEREAS, effective October 25, 2012, by San Diego Resolution R-307788, the City Council adopted the Scripps Miramar Ranch Public Facilities Financing Plan for Fiscal Year 2013 (Financing Plan), on file in the Office of the City Clerk as Document No. RR-307788. The Financing Plan identifies Project No. 34-2B, Mira Mesa Boulevard and Hibert Street Traffic Signal, Mira Mesa Boulevard Median, and Erma Road Improvements; and

WHEREAS, effective April 11, 2013, by San Diego Resolution R-308052, the City Council approved a reimbursement agreement with Developer for design, permitting, and construction of Project No. 34-2B, but it was never executed because Developer decided to seek reimbursement for only the design and permitting portion of Project No. 34-2B; and

WHEREAS, Developer designed and constructed Project No. 34-2B in accordance with the Financing Plan, and seeks reimbursement for the design and permitting portion of the work (Project); and

WHEREAS, the Financing Plan sets forth \$368,338 for Project No. 34-2B, which, minus the City's Administrative Costs, constitutes the total and Maximum Funds potentially available for reimbursement for Project No. 34-2B; and

WHEREAS, an update to the Financing Plan is currently in progress to increase the budget for Project No. 34-2B by \$24,375 to \$392,713, and this Ordinance intends to authorize reimbursement of \$392,713 on the condition that an additional \$24,375 is added to the Financing Plan through that update and funds are available; NOW, THEREFORE,

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

Section 1. That the Mayor is authorized to execute, for and on behalf of City, a Reimbursement Agreement with Scripps Mesa Developers, LLC for the design and permitting of Project No. 34-2B, in the Scripps Miramar Ranch community, on file in the Office of the City Clerk as Document No. OO-20654 (Agreement), under the terms and conditions set forth in the Agreement.

Section 2. That the Chief Financial Officer is authorized to add CIP No. RD-16003 (Mira Mesa Boulevard Median/Erma Road Improvements), to the Capital Improvements Program.

Section 3. That the Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP No. RD-16003, and to appropriate and expend an amount not to exceed \$392,713 for the design and permitting of Project No. 34-2B, including \$154,375 from Fund No. 400086 (Scripps Miramar Ranch FBA), \$160,000 from Fund No. 200636 (Developer Monetary Condition Fund), and \$78,338 from Fund No. 400264 (Private and Others Contribution – CIP), consistent with the timing established in the most recently adopted Scripps Miramar Ranch Public Facilities Financing Plan, and contingent upon the Chief Financial


Officer furnishing one or more certificate(s) certifying that funds necessary for expenditure are, or will be, on deposit in the City Treasury.

Section 4. That the Chief Financial Officer is authorized, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

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. 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 

Inga B. Lintvedt
Deputy City Attorney

IBL: mm
4/20/2016
05/04/2016 Cor. Copy
Or.Dept: Facilities Financing
Doc. No.: 1240726_3

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 14 2016.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6/22/16
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUN 14 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JUN 22 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 *Elizabeth Maland*, 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 2016

JUN 22 2016

_____, and on _____.

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 *Elizabeth Maland*, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 20654