

ORDINANCE NUMBER O- 20975 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 03 2018

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING FIRST AMENDMENTS TO A REIMBURSEMENT AGREEMENT AND A PARK DEVELOPMENT AGREEMENT FOR QUARRY FALLS (CIVITA) DEVELOPMENT PROJECT IN THE MISSION VALLEY COMMUNITY.

WHEREAS, on November 27, 2012, the City and Quarry Falls, LLC, a California limited liability company (Developer), entered into that certain Reimbursement Agreement No. 00-20219 and that certain Park Development Agreement No. 00-20220 (collectively, Agreements) for the Quarry Falls (Civita) Development Project (Project); and

WHEREAS, on September 26, 2013, after the City and Developer signed the Agreements, the Council adopted Ordinance O-20299 requiring the payment of prevailing wages on City public works projects, as codified in San Diego Municipal Code section 22.3019; and

WHEREAS, the original estimated cost of the Project was \$36,523,195; and

WHEREAS, due to the increase in construction costs and the payment of prevailing wages Developer is now requesting an amount not to exceed \$49,610,000 and additional minor revisions to the Agreements; and

WHEREAS, to reflect those revisions, the City and Developer have negotiated the terms of the proposed First Amendment to Reimbursement Agreement and the proposed First Amendment to Park Development Agreement, copies of which are included in the backup materials accompanying this Ordinance;

WHEREAS, the revisions will extend the term of the Agreements beyond five years; and

WHEREAS, under Charter section 99, no contract, agreement or obligation extending for a period of more than five years may be authorized except by Ordinance approved by a two-thirds majority vote of the Council; NOW, THEREFORE,

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

Section 1. The First Amendment to Reimbursement Agreement is approved.

Section 2. The First Amendment to Park Development Agreement is approved.

Section 3. The Mayor or designee is authorized and directed, on behalf of the City, to sign and enter into the First Amendment to Reimbursement Agreement, a copy of which is on file in the Office of the City Clerk as Document No. OO- 20975-1.

Section 4. The Mayor or designee is authorized and directed, on behalf of the City, to sign and enter into the First Amendment to Park Development Agreement, a copy of which is on file in the Office of the City Clerk as Document No. OO- 20975-2

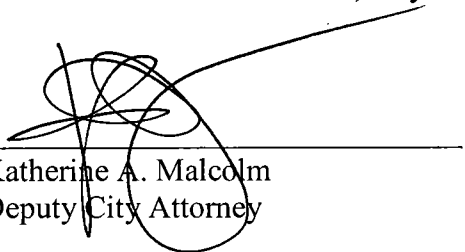
Section 5. The Chief Financial Officer, as delegated, is authorized to appropriate and expend an amount not to exceed \$49,610,000 from Fund No. 400135, Mission Valley Urban Community Development Impact Fee Fund, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year and on certification by the Chief Financial Officer that funds necessary for expenditure are available.

Section 6. The Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

Section 7. A full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the City Council and the public prior to the day of its passage.

Section 8. This ordinance shall take effect and be in force on the thirtieth day from  
and after its passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By:   
Katherine A. Malcolm  
Deputy City Attorney

KAM:als  
06/21/18  
08/06/18 COR. COPY  
Or.Dept: Facilities Financing  
Doc. No.: 1779399\_2

I certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this  
meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

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

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

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


(NOTE: Please see attached memo and signature page.)

**Office of  
The City Attorney  
City of San Diego**

**MEMORANDUM**

**DATE:** August 6, 2018

**TO:** Elizabeth Maland, City Clerk

**FROM:** Katherine Anne Malcolm 

**SUBJECT:** Item #52 – Amendment No. 1 to Reimbursement Agreement and Park Development Agreement for the Quarry Falls (Civita) Development Project – Council Meeting of July 31, 2018

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We are submitting a corrected copy of Ordinance No. O-2018-140 to fix the typographical error made on Section 3 and Section 4, to read as follows:

Section 3. The Mayor or designee is authorized and directed, on behalf of the City, to sign and enter into the First Amendment to Reimbursement Agreement, a copy of which is on file in the Office of the City Clerk as Document No. ~~RR~~ OO- \_\_\_\_\_.

Section 4. The Mayor or designee is authorized and directed, on behalf of the City, to sign and enter into the First Amendment to Park Development Agreement, a copy of which is on file in the Office of the City Clerk as Document No. ~~RR~~ OO- \_\_\_\_\_.

KAM:als  
Doc. No.: 1808174

I certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 31 2018.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 8/3/18  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

**JUL 31 2018**

Passed by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

| Councilmembers  | Yeas                                | Nays                     | Not Present                         | Recused                  |
|-----------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Barbara Bry     | <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"/> |
| Chris Ward      | <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 type="checkbox"/>            | <input type="checkbox"/> | <input checked="" 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"/> |
| Georgette Gomez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

**AUG 03 2018**

Date of final passage \_\_\_\_\_

AUTHENTICATED BY:

(Seal)

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

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

By *[Signature]*, 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

**JUL 17 2018**

**AUG 03 2018**

\_\_\_\_\_, 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 *[Signature]*, Deputy

Office of the City Clerk, San Diego, California

**20975**

Ordinance Number O-\_\_\_\_\_