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4120/2021

(O-2021-99)
(COR. COPY)

ORDINANCE NUMBER O- 21309 (NEW SERIES)

DATE OF FINAL PASSAGE APR 22 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR TO EXECUTE THE THIRD AMENDMENT TO LEASE BETWEEN RUFFIN-SD, LLC AND THE CITY OF SAN DIEGO FOR OFFICE SPACE AT 9370 CHESAPEAKE DRIVE, SAN DIEGO, CALIFORNIA 92123, AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO MAKE CERTAIN EXPENDITURES.

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 certain office space in the building at 9370 Chesapeake Drive, San Diego, California 92123 (Premises), approved by the Council of San Diego (Council) pursuant to Charter section 99 on November 20, 2007 by Ordinance No. O-19686 (Lease). The Lease includes Lease Addendum Number One, Lease Addendum Number Two, and the Commencement Agreement; 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, providing an option to extend the term of the Lease for an additional five (5) year period, and adjusting the base rent, among other items as set forth in the First Amendment to Lease approved by the Council on November 25, 2014 by Ordinance No. O-20430; and

WHEREAS, the City and Lessor entered into the Second Amendment to Lease with an effective date of February 1, 2016, expanding the Premises, adjusting base rent, and requiring the Lessor to expend funds for improvements to the expansion space, among other items as set forth

in the Second Amendment to Lease approved by the Council on December 16, 2015 by Ordinance No. O-20584; and

WHEREAS, the City and Lessor have agreed to amend the Lease (Third Amendment to Lease), subject to Council's approval, to among other items, extend the term of the Lease, adjust base rent, allow for the right to extend the term, and allow for certain improvements to the Premises, as more fully set forth in the Third Amendment to Lease on file with the Office of the City Clerk as Document No. OO- 21309; and

WHEREAS, this Amendment will be submitted for approval under Charter section 99 to be consistent with approval of the original lease; 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 City Council; NOW, THEREFORE,

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

Section 1. That the Mayor, or his designee, is authorized to enter into that certain Third Amendment to Lease between SD-Ruffin, LLC, a California limited liability company, as Lessor, and the City of San Diego, as lessee, for certain office space at 9370 Chesapeake Drive, San Diego, California 92123, Suites 100 and 150, compromising 20,884 square feet, and on file with the Office of the City Clerk as Document No. OO- 21309.

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$2,853,018.24 for rent and \$185,000.00 for estimated operating expenses over the extended term of the Lease, contingent upon adoption of annual funds for the applicable fiscal year and upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure, are, or will be, on deposit with 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: MARA W. ELLIOTT, City Attorney

By /s/ Marco A. Verdugo
Marco A. Verdugo
Deputy City Attorney


MAV:sc
03/17/2021
04/08/2021 COR. COPY
Or.Dept:READ
Doc. No.: 2594627

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 04/20/2021.

ELIZABETH S. MALAND
City Clerk

By /s/ Stacy D. Ready
Deputy City Clerk

Approved: 4/22/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on APR 20 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 22 2021.

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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 APR 06 2021, and on APR 22 2021.

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

<p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>21309</u></p>
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