

#61
12/06/22
(O-2023-48)

ORDINANCE NUMBER O- 21581 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 14 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE FIRST AMENDMENT TO THE AMENDED AND RESTATED PARK DEVELOPMENT AND REIMBURSEMENT AGREEMENT FOR PROJECT NO. OM P-2 DENNERY RANCH NEIGHBORHOOD PARK, REIMBURSEMENT AGREEMENT NO. 444510, IN THE OTAY MESA COMMUNITY.

WHEREAS, On November 21, 2016, the City of San Diego (City) executed an Amended and Restated Park Development and Reimbursement Agreement No. 444510 (Agreement) with Tri Pointe Homes IE-SD, Inc. (f/k/a Pardee Homes), a California corporation (Developer) for the design and construction of Project No. OM P-2 Dennery Ranch Neighborhood Park pursuant to Exhibit A of the Agreement (Project), in the Otay Mesa Community; and

WHEREAS, the Agreement allows for the Developer to complete the design and construction of the Project; and

WHEREAS, the original estimated costs of the Agreement was fifteen million one hundred thousand dollars (\$15,100,000); and

WHEREAS, due to unforeseen costs, including higher than expected construction bids, the Developer has requested an additional six million nine hundred thousand (\$6,900,000) to be authorized for reimbursement for the Project with the total estimated costs of the Project be increased to twenty two million dollars (\$22,000,000); and

WHEREAS, to reflect the additional costs, the City and Developer have negotiated the proposed First Amendment to the Agreement, a copy of which is included in the backup materials that accompany this Ordinance; 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; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. That the First Amendment to the Agreement with Tri Pointe Homes IE-SD, Inc. (f/k/a Pardee Homes), for the design and construction of Project No. OM P-2 Dennerly Ranch Neighborhood Park (Project), in the Otay Mesa Community is approved.

Section 2. That the Mayor or designee is authorized and directed, on behalf of the City to sign and enter into the First Amendment to the Agreement with Tri Point Homes IE-SD, Inc., a copy of which is on file in the Office of the City Clerk as Document No. OO -

21581

Section 3. That the Chief Financial Officer, as delegated, is authorized to appropriate and expend an amount not to exceed \$22,000,000 from Fund No. 400856, Otay Mesa Facilities Benefit Assessment (FBA) or any combination of other alternative funding sources as subsequently determined and approved, contingent upon the 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 4. That 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 5. 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 /s/ Shannon C. Eckmeyer
Shannon C. Eckmeyer
Deputy City Attorney

SCE:sc
09/19/2022
Or.Dept: [Planning]
Doc. No.: 3091737

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 06 2022.

ELIZABETH S. MALAND
City Clerk

By Kristina Medina
Deputy City Clerk

Approved: 12/14/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on DEC 06 2022, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 DEC 14 2022.

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 Kristell Medina, 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 15 2022, and on DEC 14 2022.

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 Kristell Medina, Deputy

Office of the City Clerk, San Diego, California
21581
Ordinance Number O-_____