

ORDINANCE NUMBER O- 21784 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 22 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THAT CERTAIN FOURTH AMENDMENT TO LEASE BETWEEN RUFFIN-S.D., LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND THE CITY OF SAN DIEGO.

WHEREAS, on November 20, 2007, the Council of the City of San Diego (Council) adopted Ordinance O-19686 approving that certain Standard Multi-Tenant Office Lease (Original Lease) for office space at 9370 Chesapeake Drive, San Diego, California, between Ruffin-S.D., LLC, a California limited liability company (Ruffin), and the City of San Diego (City), on file with the Office of the City Clerk as Document No. OO-19686; on November 25, 2014, the Council adopted Ordinance O-20430 approving that certain First Amendment to the Original Lease (First Amendment), on file with the Office of the City Clerk as Document No. OO-20430; on June 2, 2015, the Council adopted Ordinance O-20492 approving that certain Second Amendment to the Original Lease, as amended by the First Amendment (Second Amendment), on file with the Office of the City Clerk as Document No. OO-20492; and on April 22, 2021, the Council adopted Ordinance O-21309 approving that certain Third Amendment to the Original Lease, as amended by the First Amendment and Second Amendment (Third Amendment), on file with the Office of the City Clerk as Document No. OO-21309 (hereinafter, the Original Lease, as amended by, collectively, the First Amendment, Second Amendment, and Third Amendment is referred to as the "Lease"); and

WHEREAS, the Lease is for a premises consisting of 20,844 square feet of office space, and the Lease term is scheduled to expire on May 31, 2025; and

WHEREAS, Ruffin and the City have agreed to amend the Lease a fourth time (Fourth Amendment) to, among other things:

1. Provide for the City to lease an additional approximately 4,706 square feet of office space; and
2. Extend the Lease term until May 31, 2030, plus one five-year option; and
3. Provide a total of \$81,701.04 in rent abatement to the City from June 1, 2024, through July 31, 2024; and
4. Establish a new base rent for the office space at \$2.34 per square foot, escalating annually; and

WHEREAS, San Diego Charter section 99 (Section 99) generally provides that no contract, agreement, or obligation creating City indebtedness and extending for a period of more than five years may be authorized except by an ordinance adopted by a two-thirds majority of the Council; and

WHEREAS, as with the Original Lease and subsequent amendments, the proposed Fourth Amendment is subject to the ordinance requirement in Section 99; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete, true, and accurate;

NOW, THEREFORE,

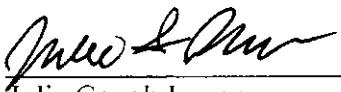
BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. The Council approves the Fourth Amendment, including all attachments and exhibits to the Fourth Amendment.

Section 2. The Mayor or designee is authorized and directed, on behalf of the City, to sign and enter into the Fourth Amendment, including all attachments and exhibits to the Fourth Amendment requiring the City's signature, and take all other actions reasonably necessary or desirable to perform the City's obligations under the Fourth Amendment. A copy of the Fourth Amendment, when fully signed, shall be placed on file with the City Clerk as Document No. OO-21784.

Section 3. The Chief Financial Officer is authorized to expend an amount not to exceed \$4,739,199.62 in base rent, and an estimated \$122,020.22 in operating expenses over the term of the Fourth Amendment, from General Fund #100000, Cost Center #9912001112. Funding for base rent and operating expenses under the Fourth Amendment in fiscal year 2024 and future fiscal years is contingent upon the Council's annual appropriation of funds for these expenses for each applicable fiscal year and the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for these expenditures, are, or will be, on deposit with the City Treasurer.

APPROVED: MARA W. ELLIOTT, City Attorney

By 

Julie Gough Inman
Deputy City Attorney

JGI:cw
February 5, 2023
Or. Dept.: DREAM
Doc.: 3549911

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 12 2024.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 3/22/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on MAR 12 2024, 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"/>
District 4 - vacant	<input 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"/>
Kent Lee	<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 MAR 22 2024.

AUTHENTICATED BY:

(Seal)

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

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson, 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

FEB 27 2024, and on MAR 22 2024.

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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21784</u>