(O-2001-34 COR.COPY) 10/11/00

(NEW SERIES)

ORDINANCE NUMBER O-

18874

ADOPTED ON OCT 3 0 2000

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A TWENTY-FIVE YEAR AGREEMENT FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, AND LEASE OF TURFED FIELDS AND **RECREATION FACILITIES AT HEARST ELEMENTARY** SCHOOL SITE WITH THE SAN DIEGO UNIFIED SCHOOL DISTRICT OF SAN DIEGO COUNTY, CALIFORNIA: AUTHORIZING AN AGREEMENT FOR PARTIAL ASSIGNMENT OF JOINT USE AGREEMENT AT HEARST ELEMENTARY SCHOOL SITE AND TERMS OF REIMBURSEMENT TO THE PHOEBE HEARST ELEMENTARY SCHOOL FOUNDATION; ACCEPTING FROM AND THANKING THE DEL CERRO COMMUNITY FOR THEIR DONATION OF \$75,000 FOR PHASE I OF THE HEARST ELEMENTARY SCHOOL - JOINT USE IMPROVEMENTS PROJECT; AUTHORIZING THE APPROPRIATION OF \$330,525 FOR PHASE I OF THE HEARST ELEMENTARY SCHOOL - JOINT USE IMPROVEMENTS PROJECT; AUTHORIZING THE EXPENDITURE OF \$330,525 FROM CIP 29-530.0, HEARST ELEMENTARY SCHOOL - JOINT USE IMPROVEMENTS, FOR CONSTRUCTION OF PHASE I OF THE HEARST **ELEMENTARY SCHOOL - JOINT USE IMPROVEMENTS** PROJECT; AND DIRECTING THE CITY MANAGER TO MANAGE THE TURFED FIELDS AND RECREATION FACILITIES AT THE HEARST ELEMENTARY SCHOOL AS A DAY USE FACILITY.

WHEREAS, the Hearst Elementary School is located in the Del Cerro area of the Navajo Community Planning area and the surrounding community has initiated the development of the school's approximately four acres of decomposed granite multi-purpose fields to accommodate athletic and recreational uses; and

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WHEREAS, the community's fund raising efforts have resulted in a \$75,000 donation towards Phase I of the project implementation which will include turfed multi-purpose fields and other park type amenities on the lower field; and

WHEREAS, Phase II, consisting of irrigation and turfing of the upper field, will be implemented as funds become identified; and

WHEREAS, the City of San Diego Park and Recreation Department will be responsible for maintenance of the joint use area for the twenty-five year term of the joint use agreement; NOW, THEREFORE,

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

Section 1. That the City Manager is authorized and empowered to execute, for and on behalf of the City, an Agreement for the Construction, Operation, Maintenance, and Lease of Turfed Fields and Recreation Facilities at Hearst Elementary School Site [Joint Use Agreement] with the San Diego Unified School District of San Diego County, California, for the construction, lease and joint use of turfed multi-purpose fields and recreational facilities at the Hearst Elementary School site, under the terms and conditions set forth in the Agreement on file in the Office of the City Clerk as Document No. OO-

Section 2. That the City Manager is authorized and empowered to execute, for and on behalf of the City, an Agreement for Partial Assignment of Joint Use Agreement at Hearst Elementary School Site and Terms of Reimbursement to the Phoebe Hearst Elementary School Foundation [Foundation], under the terms and conditions set forth in the Agreement on file in 2974 - 2the Office of the City Clerk as Document No. OO-

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Section 3. That the Council accepts and thanks the Del Cerro community for its fund raising efforts and donation of \$75,000 towards Phase I of the CIP 29-530.0, Hearst Elementary School - Joint Use Improvements project.

Section 4. That an appropriation of a total amount not to exceed \$330,525 is authorized, solely and exclusively, for the purpose of establishing a CIP account No. 29-530.0 to provide reimbursement to the Foundation for construction of for Phase I of the Hearst Elementary School - Joint Use Improvements.

Section 5. That the expenditure of an amount not to exceed \$330,525 from Hearst Elementary School - Joint Use Improvements, CIP No. 29-530.0 is authorized, solely and exclusively, for the purpose of reimbursing the Foundation for construction of Phase I of the Hearst Elementary School - Joint Use Improvements project, in accordance with terms, conditions and City Manager approval of invoices as described in the Agreement for Partial Assignment of Joint Use Agreement at Hearst Elementary School Site and Terms of Reimbursement to the Phoebe Hearst Elementary School Foundation, referenced above in Section 2.

Section 6. That the City Manager is directed upon acceptance of the Project from the Foundation to manage the turfed fields and recreation facilities at Hearst Elementary School as a day use facility only. The placement or construction of temporary or permanent lighting (other than for security) shall not be allowed.

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

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Section 6. That this ordinance shall take effect and be in force on the thirtieth day from

and after its passage.

APPROVED: CASEY GWINN, City Attorney.

By Richard A. Duvemay

Deputy City Attorney

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1.8874

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 2100431

DEPT. NO.: 445

UDITOR AND COMPTROLLER'S DEPARTMENT

ORIGINATING

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$330,525.00Fund 30244/11380/10365/79506PurposeAuthorize the appropriation and expenditure of the funds for the Hearst Elementary SchoolJoint Use Improvements Project CIP#29-530.0.DateOctober 11, 2000By:

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TOTAL AMOUNT									MOUNT	\$330,525.00	

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the credit of said appropriation, are otherwise unencumbered.

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AC-361 (REV 2-92)

OCT 3 0 2000

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FUND OVERRIDE

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