

ORDINANCE NUMBER O- 20898 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 31 2018

ITEM # 50
1/23/18

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF THE JOINT USE AGREEMENT WITH THE SAN DIEGO UNIFIED SCHOOL DISTRICT FOR HORTON ELEMENTARY SCHOOL AND HAWK POCKET PARK AND THE EXPENDITURE OF FUNDS.

WHEREAS, the City of San Diego (City) and the San Diego Unified School District (District) have been cooperating in the use of numerous recreational facilities since 1948; and

WHEREAS, the Memorandum of Understanding (MOU) between the City and the District for the Development and Maintenance of Joint Use Facilities was adopted by San Diego Resolution No. R-297149 (October 7, 2002), and by the Board of Education on October 8, 2002; and

WHEREAS, Horton Elementary School is located at 5050 Guymon Street, in the Encanto Community Planning Area and the proposed facilities at Horton Elementary School will be developed by the District while the joint use facilities will be maintained by the City, pursuant to a Joint Use Agreement (Agreement); and

WHEREAS, the City desires to reimburse the District as set forth in the Agreement for up to \$1,311,282 for the improvements set forth in the Agreement; and

WHEREAS, consistent with the 1948 agreement and the MOU, the Board of Education approved this Agreement on NOV 11 2017; and

WHEREAS, the terms of the Agreement will allow for City operation, maintenance and use of approximately 3.50 acres of District-owned real property consisting of irrigated natural turf field, decomposed granite walking track, drinking fountain, retaining walls, manufactured

slopes, concrete pedestrian ramp, decomposed granite field, asphalt hardcourts, asphalt parking lot, play equipment and associated infrastructure; and

WHEREAS, the terms of the Agreement also allow the District to use 1.0 acre of City-owned real property at Hawk Pocket Park as part of the joint use area; and

WHEREAS, the City and District desire to establish this mutually beneficial arrangement by entering into this Agreement for a twenty-five year period to provide both Parties recreational programs and the City will provide funding for the maintenance pursuant to this Agreement for the life of the Agreement; 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, as follows:

Section 1. That the Mayor or his designee is authorized to execute the Agreement between the City and the District for the construction, operation, maintenance, and joint use facilities at Horton Elementary School, under the terms and conditions set forth in the document on file in the Office of the City Clerk as Document No. 00-20898.

Section 2. That the Chief Financial Officer is authorized to reimburse the District for the construction costs of Horton Elementary School in the amount not to exceed \$1,311,282 from CIP Project No. S16045, Hawk Pocket Park & Horton ES Joint Use Development, in Fund No. 600001 – Grant Fund – State.

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 Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
12/07/2017
Or.Dept: Planning
Doc. No.: 1640561

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 23 2018.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 1/31/18
(date)

[Signature]
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

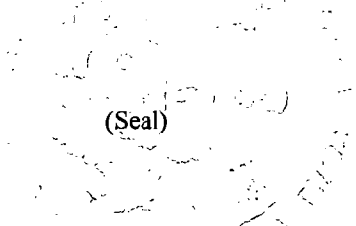
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JAN 28 2018, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 31 2018

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 _____, Deputy

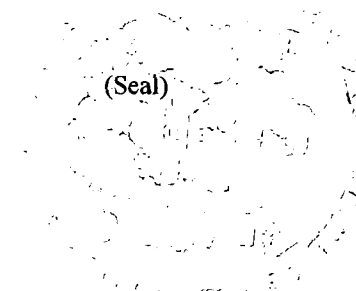
I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JAN 09 2018

JAN 31 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

Ordinance Number O-_____

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