item 52 2-13-18 (0-2018-67)

ORDINANCE NUMBER O- 20901 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 1 4 2018

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF THE JOINT USE AGREEMENT FOR PERSHING MIDDLE SCHOOL AND REIMBURSEMENT TO SAN DIEGO UNIFIED SCHOOL DISTRICT OF \$1,623,985.

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 the City pursuant to San Diego Resolution No. R-297149 (October 7, 2002), and by the District's Board of Education on October 8, 2002; and

WHEREAS, the District owns and operates Pershing Middle School located at 8204 San Carlos Drive, San Diego, in the Navajo Community Planning Area (School); and

WHEREAS, on October 2, 2001, the City and the District entered into an Agreement for the Construction, Operation, Maintenance and Lease of 5.0 acres of synthetic turf fields and associated infrastructure at the School (Original Agreement), and on January 13, 2004, entered into a first amendment to the Original Agreement; and

WHEREAS, in November of 2015, District staff notified the City that heavy use and lack of maintenance caused the synthetic turf fields at the School to deteriorate and become unsafe for both student and community use; and

WHEREAS, in December of 2015, City and District staff resolved that the City would reimburse the District for replacement of the synthetic turf at the School; and

WHEREAS, the District constructed the new synthetic field between November 2016 and February 2017; and

WHEREAS, the City and District desire to enter into a new joint use agreement (Joint Use Agreement) for 10 years to continue providing recreational programing for both parties and to reimburse the District for replacement of the synthetic turf at the School in an amount not to exceed \$1,623,985; and

WHEREAS, the joint use area of the School is comprised of approximately 5.0 acres of synthetic turf athletic fields; 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 hereby authorized and directed to execute the Agreement for the Construction, Operation, Maintenance, and Use of Joint Use Facilities at Pershing Middle School, on file in the Office of the City Clerk as Document No. OO-

20901, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Pershing Middle School.

Section 2. That the Chief Financial Officer, of his designee, is hereby authorized to reimburse the San Diego Unified School District for the construction costs of the new synthetic field in an amount not to exceed \$1,623,985 from project S17007, Pershing Middle School Joint Use Improvements, which is comprised of \$1,200,000 from Fund 400265, Capital Contributions from the General Fund and \$423,985 from Fund 100012, Infrastructure Fund.

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.

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APPROVED: MARA W. ELLIOTT, City At	torney
Ву	
David I Powel	
Deputy City Attorney	
DLP:jdf:sc	
01/16/2018	
Or.Dept: Park & Rec.	
CC No.: 3000010540	
Doc. No.: 1667578	
I hereby certify that the foregoing Ordinance	was passed by the Council of the City of
San Diego, at this meeting of 2 13	
	ELIZABETH S. MALAND
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	Markey Daggood
	By Clerk Deputy City Clerk
	Deputy City Cierk)
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Approved: 2/14/18 (date)	per acc
(date)	KEVIN L. FAULCONER, Mayor
Vetoed:	
(date)	KEVIN L. FAULCONER, Mayor
(date)	The viry E. The Deer Dit, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

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CC-361 (REV 7-09)

Passed by the Council of The Cit	y of San Diego on	FEB 1	3 2018 , by	he following vote:			
Councilmembers	Yeas	Nays	Not Present	Recused			
Barbara Bry	Ø		П	П			
Lorie Zapf	$\overline{\not}$		П	П			
Chris Ward	Z						
Myrtle Cole	Ź						
Mark Kersey	Z						
Chris Cate	\mathbb{Z}						
Scott Sherman	Ø						
David Alvarez							
Georgette Gomez	Ø						
Date of final passage FEB	1 4 2018						
			KEVIN L. FA				
AUTHENTICATED BY:	·		ELIZABETH S				
(Seal)		City By	Clerk of The City of	of San Diego, California			
I HEREBY CERTIFY th had elapsed between the day of it							
JAN 3 0 2018	8 and	on	FEB 14	2018			
I FURTHER CERTIFY to dispensed with by a vote of five ravailable to each member of the (Seal)	hat said ordinance wante	as read in ful cil, and that a c prior to the	l prior to passage on a written copy of the day of its passage. ELIZABETH S	that such reading was e ordinance was made			
		Office of the	office of the City Clerk, San Diego, California				
	Ord	dinance Nur		20901			