

ORDINANCE NUMBER O- 20901 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 14 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 programming 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.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
\_\_\_\_\_  
David L. Powell  
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 2/13/2018.

ELIZABETH S. MALAND  
City Clerk

By   
\_\_\_\_\_  
Deputy City Clerk

Approved: 2/14/18  
\_\_\_\_\_  
(date)

  
\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING DEPT. NO.: 3000010540  
 1714

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: \_\_\_\_\_

Purpose: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
TOTAL AMOUNT									

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 Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$1,623,985.00

Vendor: San Diego Unified School District

Purpose: To authorize the expenditure of funds not to exceed \$1,623,985.00 to San Diego Unified School District for a 25-year Joint Use Agreement for the Operation, Maintenance, and Use of the Joint Use Facilities at Pershing Middle School.

Date: November 21, 2017 By: Brianna Uy  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
1	S17007	100012	NOT_RELEVANT_GRANT	512066	OTHR-00000000-CL	1714	1714121511	S-17007.06.01.02	\$423,985.00
2	S17007	400265	NOT_RELEVANT_GRANT	512066	OTHR-00000000-CL	1714	1714121511	S-17007.06.01.02	\$1,200,000.00
TOTAL AMOUNT									\$1,623,985.00

Passed by the Council of The City of San Diego on FEB 13 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 FEB 14 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 [Signature], 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 30 2018

FEB 14 2018

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

**20901**

Ordinance Number O-\_\_\_\_\_