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(O-2021-32)

ORDINANCE NUMBER O- **21249** (NEW SERIES)

DATE OF FINAL PASSAGE **OCT 23 2020**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF FIVE AGREEMENTS FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF JOINT USE FACILITIES AT AUDUBON (K-8) SCHOOL, INNOVATION MIDDLE SCHOOL, LONGFELLOW (K-8) SCHOOL, ROLANDO PARK ELEMENTARY SCHOOL, AND SHERMAN ELEMENTARY SCHOOL WITH THE SAN DIEGO UNIFIED SCHOOL DISTRICT.

WHEREAS, the City of San Diego (City) and the San Diego Unified School District (District) enjoy a long-standing partnership since 1948 made possible by a strong collaboration between the City and the District to maximize the joint use of public facilities and resources for educational and community use; and

WHEREAS, the District owns Audubon (K-8) School located at 8111 San Vicente Street in the Skyline-Paradise Hills Community, Innovation Middle School located at 5095 Arvinels Avenue within the Clairemont Community, Longfellow (K-8) School located at 5055 July Street within the Clairemont Community, Rolando Park Elementary School located at 6620 Marlowe Drive within the Eastern Community, and Sherman Elementary School located at 301 22nd Street within the Southeastern Community; and

WHEREAS, the City and District are parties to that certain joint use agreement for Sherman Elementary School, dated July 12, 1993, and on file in the Office of the City Clerk as Document No. OO-17939 (Prior Agreement); and

WHEREAS, the City and the District desire to terminate the Prior Agreement and enter into five separate agreements as follows: (1) for Audubon (K-8) School for 25 years to provide recreational programming for both parties and allow for City operation and maintenance of

approximately 2.13 acres of irrigated natural turf fields, walking track, parking lot, pedestrian ramp, and associated infrastructure; (2) for Innovation Middle School for 25 years to provide recreational programming for both parties and allow for City operation and maintenance of approximately 4.47 acres of irrigated natural turf field, walking track, hardcourts, parking lot, and associated infrastructure; (3) for Longfellow (K-8) School for 25 years to provide recreational programming for both parties and allow for City operation and maintenance of approximately 1.42 acres of irrigated natural turf field, walking track, hardcourts, and associated infrastructure; (4) for Rolando Park Elementary School for 25 years to provide recreational programming for both parties and allow for City operation and maintenance of approximately 5.40 acres of irrigated natural turf fields, walking tracks, hardcourts, parking lot, and associated infrastructure; and (5) for Sherman Elementary School for 25 years to provide recreational programming for both parties and allow for City operation and maintenance of approximately 1.44 acres of irrigated natural turf field, walking track, ball infield, hardcourts, play equipment, and associated infrastructure; and

WHEREAS, the design and construction of the proposed joint use facilities at Audubon (K-8) School, Innovation Middle School, and Longfellow (K-8) School will be funded by the District; and

WHEREAS, the design and construction of the proposed joint use facilities at Rolando Park Elementary School will be funded jointly by the District and the City. The City is contributing a maximum amount of \$1,000,111.45; and

WHEREAS, no construction is planned at Sherman Elementary School; however, the proposed agreement for Sherman Elementary School will expand the size of the joint use area to

include existing hardcourts and play equipment area that were previously not available for public use; and

WHEREAS, under San Diego City 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 (Council), 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 Audubon (K-8) School, on file in the Office of the City Clerk as Document No. OO- 21249-<sup>1</sup>, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Audubon (K-8) School.

Section 2. 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 Innovation Middle School, on file in the Office of the City Clerk as Document No. OO- 21249-<sup>2</sup> between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Innovation Middle School.

Section 3. 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 Longfellow (K-8) School, on file in the Office of the City Clerk as Document No. OO- 21249-<sup>3</sup>, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Longfellow (K-8) School.

Section 4. 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 Rolando Park Elementary School, on file in the Office of the City Clerk as Document No. OO- 21249<sup>4</sup>, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Rolando Park Elementary School.

Section 5. 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 Sherman Elementary School, on file in the Office of the City Clerk as Document No. OO- 21249<sup>5</sup>, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Sherman Elementary School.

Section 6. That the agreement, on file in the Office of the City Clerk as Document OO-17939, is terminated upon the effective date of the agreement for Sherman Elementary School authorized by this Ordinance.

Section 7. That the Chief Financial Officer, or his designee, is hereby authorized to reimburse the San Diego Unified School District for the construction costs of the joint use area in Rolando Park Elementary School in an amount not to exceed \$1,000,111.45 from Fund 400114, Mid City Urban Comm. within CIP S-15029, Rolando Joint Use Facility Development, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasury.

Section 8. 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 9. 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 /s/ Hilda R. Mendoza  
Hilda R. Mendoza  
Deputy City Attorney

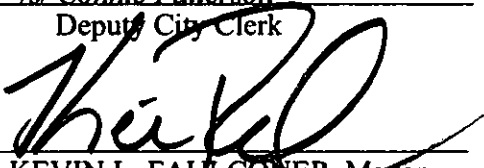
HRM:nja  
09/10/20  
Or. Dept: Parks & Rec  
Doc. No.: 2473224

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 10/20/2020.

ELIZABETH S. MALAND  
City Clerk

By /s/ Connie Patterson  
Deputy City Clerk

Approved: 10/23/20  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

Passed by the Council of The City of San Diego on OCT 20 2020, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 23 2020

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
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

OCT 06 2020, and on OCT 23 2020.

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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21249</u>