

ORDINANCE NUMBER O- 21282 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 15 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF EIGHT JOINT USE AGREEMENTS BETWEEN THE CITY AND SAN DIEGO UNIFIED SCHOOL DISTRICT FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF JOINT USE FACILITIES AT CREATIVE PERFORMING MEDIA ARTS MIDDLE, CUBBERLEY ELEMENTARY, ENCANTO ELEMENTARY, GAGE ELEMENTARY, HORTON ELEMENTARY, LINDA VISTA ELEMENTARY, MARVIN ELEMENTARY, AND HARRIET TUBMAN VILLAGE CHARTER SCHOOL.

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 Creative Performing Media Arts (CPMA) Middle School located at 5050 Conrad Avenue, in the Clairemont Community, Cubberley Elementary School located at 3201 Marathon Drive in the Serra Mesa Community, Encanto Elementary School located at 822 65th Street in the Encanto Community, Gage Elementary School located at 6811 Brisby Lake Avenue in the Navajo Community, Horton Elementary School located at 5050 Guymon Street in the Encanto Community, Linda Vista Elementary School located at 2772 Ulric Street in the Linda Vista Community, Marvin Elementary School located at 5720 Brunswick Avenue in the Navajo Community, and Harriet Tubman Village Charter School located at 6880 Mohawk Street in the College Area Community; and

WHEREAS, the City and the District are parties to eight separate Joint Use Agreements as follows: (1) CPMA Middle School dated December 5, 2017, and on file in the Office of the

City Clerk as Document No. OO-20879; (2) Cubberley Elementary School dated February 23, 2018, and on file in the Office of the City Clerk as Document No. OO-20921; (3) Encanto Elementary School dated February 23, 2018, and on file in the Office of the City Clerk as Document No. OO-20922; (4) Gage Elementary School dated December 5, 2017, and on file in the Office of the City Clerk as Document No. OO-20880; (5) Horton Elementary School dated November 15, 2017, and on file in the Office of the City Clerk as Document No. OO-20898; (6) Linda Vista Elementary School dated December 5, 2017, and on file in the Office of the City Clerk as Document No. OO-20881; (7) Marvin Elementary School dated December 5, 2017, and on file in the Office of the City Clerk as Document No. OO-20882; and (8) Harriet Tubman Village Charter School dated July 24, 2018, and on file in the Office of the City Clerk as Document No. OO-21007 (Prior Agreements); and

WHEREAS, the City and the District desire to terminate the Prior Agreements and enter into eight separate agreements as follows: (1) a 25-year Joint Use Agreement regarding facilities at CPMA Middle School to provide recreational programming for both parties and allow for City operation and maintenance of approximately 4.9 acres of irrigated natural turf fields, walking track, decomposed granite field, parking lot, and associated infrastructure; (2) a 25-year Joint Use Agreement regarding facilities at Cubberley Elementary School to provide recreational programming for both parties and allow for City operation and maintenance of approximately 3.65 acres of irrigated natural turf field, walking track, hardcourts, play equipment, parking lot, and associated infrastructure; (3) a 25-year Joint Use Agreement regarding facilities at Encanto Elementary School to provide recreational programming for both parties and allow for City operation and maintenance of approximately 2.43 acres of irrigated natural turf field, walking track, hardcourts, parking lot and associated infrastructure;

(4) a 25-year Joint Use Agreement regarding facilities at Gage Elementary School to provide recreational programming for both parties and allow for City operation and maintenance of approximately 7.05 acres of irrigated natural turf field, walking track, hardcourts, parking lot, and associated infrastructure; (5) a 25-year Joint Use Agreement regarding facilities at Horton Elementary School to provide recreational programming for both parties and allow for City operation and maintenance of approximately 2.5 acres of irrigated natural turf field, walking track, hardcourts, play equipment, parking lot, and associated infrastructure; (6) a 25-year Joint Use Agreement regarding facilities at Linda Vista Elementary School to provide recreational programming for both parties and allow for City operation and maintenance of approximately 2.27 acres of irrigated natural turf field, walking track, hardcourts, play equipment, and associated infrastructure; (7) a 25-year Joint Use Agreement regarding facilities at Marvin Elementary School to provide recreational programming for both parties and allow for City operation and maintenance of approximately 2.54 acres of irrigated natural turf field, walking track, hardcourts, parking lot, and associated infrastructure; and (8) a 25-year Joint Use Agreement regarding facilities at Harriet Tubman Village Charter School to provide recreational programming for both parties and allow for City operation and maintenance of approximately 1.78 acres of irrigated natural turf field, walking track, hardcourts, play equipment, and associated infrastructure; 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, 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 Creative Performing Media Arts (CPMA) Middle School, on file in the office of the City Clerk as Document No. OO- ~~21282~~⁻¹, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of CPMA Middle 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 Cubberley Elementary School, on file in the office of the City Clerk as Document No. OO- ~~21282~~⁻², between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Cubberley Elementary 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 Encanto Elementary School, on file in the office of the City Clerk as Document No. OO- ~~21282~~⁻³, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Encanto Elementary 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 Gage Elementary School, on file in the office of the City Clerk as Document No. OO- ~~21282~~⁻⁴, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Gage 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 Horton Elementary School, on file in the office of the City Clerk as Document No. OO- ~~21282~~⁻⁵, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Horton Elementary School.

Section 6. 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 Linda Vista Elementary School, on file in the office of the City Clerk as Document No. OO-~~21282~~⁻⁶, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Linda Vista Elementary School.

Section 7. 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 Marvin Elementary School, on file in the office of the City Clerk as Document No. OO- ~~21282~~⁻⁷, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Marvin Elementary School.

Section 8. 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 Harriet Tubman Village Charter School, on file in the office of the City Clerk as Document No. OO- ~~21282~~⁻⁸, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Harriet Tubman Village Charter School.

Section 9. That the agreement, on file in the Office of the City Clerk as Document No. OO-20879, is terminated upon the commencement date of the agreement for Creative Performing Media Arts Middle School authorized by this Ordinance.

Section 10. That the agreement, on file in the Office of the City Clerk as Document No. OO-20921, is terminated upon the commencement date of the agreement for Cubberley Elementary School authorized by this Ordinance.

Section 11. That the agreement, on file in the Office of the City Clerk as Document No. OO-20922, is terminated upon the commencement date of the agreement for Encanto Elementary School authorized by this Ordinance.

Section 12. That the agreement, on file in the Office of the City Clerk as Document No. OO-20880, is terminated upon the commencement date of the agreement for Gage Elementary School authorized by this Ordinance.

Section 13. That the agreement, on file in the Office of the City Clerk as Document No. OO-20898, is terminated upon the commencement date of the agreement for Horton Elementary School authorized by this Ordinance.

Section 14. That the agreement, on file in the Office of the City Clerk as Document No. OO-20881, is terminated upon the commencement date of the agreement for Linda Vista Elementary School authorized by this Ordinance.

Section 15. That the agreement, on file in the Office of the City Clerk as Document No. OO-20882, is terminated upon the commencement date of the agreement for Marvin Elementary School authorized by this Ordinance.

Section 16. That the agreement, on file in the Office of the City Clerk as Document No. OO-21007, is terminated upon the commencement date of the agreement for Harriet Tubman Village Charter School authorized by this Ordinance.

Section 17. 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 18. 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/ Marco A. Verdugo
Marco A. Verdugo
Deputy City Attorney

MAV:sc
11/19/2020
12/18/2020 COR. COPY
Or.Dept: READ
Doc. No.: 2530714

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 1/12/2021.

ELIZABETH S. MALAND
City Clerk

By /s/ Matthew R. Hilario
Deputy City Clerk

Approved: 1/15/2021
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JAN 12 2021, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Joe LaCava | <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"/> |
| Stephen Whitburn | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Monica Montgomery Steppe | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marni von Wilpert | <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"/> |
| Raul A. Campillo | <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"/> |
| Sean Elo-Rivera | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage JAN 15 2021

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

DEC 08 2020, and on JAN 15 2021

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

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| <p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>21282</u></p> |
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