

#50  
4/20/2021

(O-2021-104)

ORDINANCE NUMBER O- 21311 (NEW SERIES)

DATE OF FINAL PASSAGE APR 22 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF FIVE JOINT USE AGREEMENTS BETWEEN THE CITY AND SAN DIEGO UNIFIED SCHOOL DISTRICT FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF JOINT USE FACILITIES AT CABRILLO ELEMENTARY, FARB MIDDLE, HAGE ELEMENTARY, SCHOOL OF CREATIVE AND PERFORMING ARTS, AND PACIFIC BEACH MIDDLE 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 Cabrillo Elementary School located at 3120 Talbot Street, in the Peninsula Community, Farb Middle School located at 4880 La Cuenta Drive in the Tierrasanta Community, Hage Elementary School located at 9750 Galvin Avenue in the Mira Mesa Community, School of Creative and Performing Arts (SCPA) located at 2425 Dusk Drive in the Skyline-Paradise Hills Community, and Pacific Beach Middle School located at 4676 Ingraham Street in the Pacific Beach Community; and

WHEREAS, the City and the District are parties to five separate Joint Use Agreements as follows: (1) Cabrillo Elementary School dated January 6, 1982, and on file in the Office of the City Clerk as Document No. OO-15645; (2) Farb Middle School dated January 15, 1992, and on file in the Office of the City Clerk as Document No. OO-17730; (3) Hage Elementary School dated March 24, 1993, and on file in the Office of the City Clerk as Document No. OO-17899; (4) SCPA dated January 7, 1980, and on file in the Office of the City Clerk as Document

No. OO-15162-2; and (5) Pacific Beach Middle School dated July 25, 1991, and on file in the Office of the City Clerk as Document No. OO-17661 (Prior Agreements); and

WHEREAS, the City and the District desire to terminate the Prior Agreements and enter into five separate agreements as follows: (1) a 25-year Joint Use Agreement regarding facilities at Cabrillo Elementary School to provide recreational programming for both parties and allow for City operation and maintenance of approximately 1.63 acres of irrigated natural turf fields, ball infield area, backstop, and associated infrastructure; (2) a 25-year Joint Use Agreement regarding facilities at Farb Middle School to provide recreational programming for both parties and allow for City operation and maintenance of approximately 4.65 acres of irrigated natural turf field, ball infield area, backstops, walking track, hardcourts, parking lot, and associated infrastructure; (3) a 25-year Joint Use Agreement regarding facilities at Hage Elementary School to provide recreational programming for both parties and allow for City operation and maintenance of approximately 3.4 acres of irrigated natural turf field, ball infield area, backstop, parking lot, and associated infrastructure; (4) a 25-year Joint Use Agreement regarding facilities at SCPA to provide recreational programming for both parties and allow for City operation and maintenance of approximately 7.8 acres of irrigated natural turf field, ball infield area, backstops, parking lot, and associated infrastructure; and (5) a 25-year Joint Use Agreement regarding facilities at Pacific Beach Middle School to provide recreational programming for both parties and allow for City operation and maintenance of approximately 2.6 acres of irrigated natural turf field, ball infield area, backstop, sports field lighting, 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 Council of the City of San Diego; 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 Cabrillo Elementary School, on file in the office of the City Clerk as Document No. OO- 21311<sup>-1</sup>, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Cabrillo Elementary 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 Farb Middle School, on file in the office of the City Clerk as Document No. OO- 21311<sup>-2</sup>, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Farb 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 Hage Elementary School, on file in the office of the City Clerk as Document No. OO- 21311<sup>-3</sup>, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Hage 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 School of Creative and Performing Arts (SCPA), on file in the office of the City Clerk as Document No. OO- 21311<sup>-4</sup>, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of SCPA.

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 Pacific Beach Middle School, on file in the office of the City Clerk as Document No.

OO- 21311<sup>-5</sup>, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Pacific Beach Middle School.

Section 6. That the agreement, on file in the Office of the City Clerk as Document No. OO-15645, is terminated upon the commencement date of the agreement for Cabrillo Elementary School authorized by this Ordinance.

Section 7. That the agreement, on file in the Office of the City Clerk as Document No. OO-17730, is terminated upon the commencement date of the agreement for Farb Middle School authorized by this Ordinance.

Section 8. That the agreement, on file in the Office of the City Clerk as Document No. OO-17899, is terminated upon the commencement date of the agreement for Hage Elementary School authorized by this Ordinance.

Section 9. That the agreement, on file in the Office of the City Clerk as Document No. OO-15162-2, is terminated upon the commencement date of the agreement for School of Creative and Performing Arts authorized by this Ordinance.

Section 10. That the agreement, on file in the Office of the City Clerk as Document No. OO-17661, is terminated upon the commencement date of the agreement for Pacific Beach Middle School authorized by this Ordinance.

Section 11. 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 12. 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  
03/18/2021  
Or.Dept: Park & Rec.  
Doc. No.: 2614120

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 04/20/2021.

ELIZABETH S. MALAND  
City Clerk

By /s/ Stacy D. Ready  
Deputy City Clerk

Approved: 4/22/21  
(date)

  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on APR 20 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 APR 22 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 APR 06 2021, and on APR 22 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

Office of the City Clerk, San Diego, California

Ordinance Number O- 21311