

7/26/2022 #52

(O-2022-144)

ORDINANCE NUMBER O- 21513 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 29 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF SIX JOINT USE AGREEMENTS BETWEEN THE CITY OF SAN DIEGO AND SAN DIEGO UNIFIED SCHOOL DISTRICT FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF JOINT USE FACILITIES AT ADAMS ELEMENTARY SCHOOL, CHALLENGER MIDDLE SCHOOL, MISSION BAY HIGH SCHOOL, NORMAL HEIGHTS ELEMENTARY SCHOOL, ROOSEVELT MIDDLE SCHOOL AND TAFT MIDDLE SCHOOL AND RELATED ACTIONS.

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 Adams Elementary School located at 1625 35th Street, in the Normal Heights community, Challenger Middle School located at 10810 Parkdale Avenue, in the Mira Mesa community, Mission Bay High School located at 2475 Grand Avenue, in the Pacific Beach community, Normal Heights Elementary School located at 3750 Ward Avenue, in the Normal Heights community, Roosevelt Middle School located at 3366 Park Boulevard, in the Balboa Park community, and Taft Middle School located at 9191 Gramercy Drive, in the Serra Mesa community; and

WHEREAS, the City and the District are parties to four separate Joint Use Agreements as follows: (1) Adams Elementary School dated July 23, 1990, and on file in the Office of the City Clerk as Document No. OO-17503; (2) Challenger Middle School dated June 9, 1997, and on file in the Office of the City Clerk as Document No. OO-18410; (3) Normal Heights

Elementary School dated October 31, 2005, and on file in the Office of the City Clerk as Document No. OO-19436; and (4) Roosevelt Middle School dated April 26, 2011, and on file in the Office of the City Clerk as Document No. OO-20048 (Prior Agreements); and

WHEREAS, the City and the District desire to terminate the Prior Agreements and enter into six separate agreements as follows: (1) a 25-year Joint Use Agreement regarding facilities at Adams Elementary School for the operation, maintenance, and use of joint use facilities; (2) a 25-year Joint Use Agreement regarding facilities at Challenger Middle School for the operation, maintenance, and use of joint use facilities; (3) a 25-year Joint Use Agreement regarding facilities at Mission Bay High School for the operation, maintenance, and use of joint use facilities; (4) a 25-year Joint Use Agreement regarding facilities at Normal Heights Elementary School for the operation, maintenance, and use of joint use facilities; (5) a 25-year Joint Use Agreement regarding facilities at Roosevelt Middle School for the operation, maintenance, and use of joint use facilities; and (6) a 25-year Joint Use Agreement regarding facilities at Taft Middle School for the operation, maintenance, and use of joint use facilities; and

WHEREAS, the City and District will jointly fund the design and construction of the proposed joint use facilities at Taft Middle School, which will cost approximately \$7,778,579; and

WHEREAS, the City will contribute an amount not to exceed \$3,048,682.88 for the design and construction of the joint use facilities at Taft Middle School; 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 designee, is hereby authorized and directed to execute the Agreement for the Construction, Operation, Maintenance, and Use of Play All Day Joint Use Facilities at Adams Elementary School, on file in the Office of the City Clerk as Document No. OO-21513.1, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Adams Elementary School.

Section 2. That the Mayor, or designee, is hereby authorized and directed to execute the Agreement for the Construction, Operation, Maintenance, and Use of Joint Use Facilities at Challenger Middle School, on file in the Office of the City Clerk as Document No. OO-21513.2, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Challenger Middle School.

Section 3. That the Mayor, or designee, is hereby authorized and directed to execute the Agreement for the Construction, Operation, Maintenance, and Use of Play All Day Joint Use Facilities at Mission Bay High School, on file in the Office of the City Clerk as Document No. OO- 21513.3, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Mission Bay High School.

Section 4. That the Mayor, or designee, is hereby authorized and directed to execute the Agreement for the Construction, Operation, Maintenance, and Use of Joint Use Facilities at Normal Heights Elementary School, on file in the Office of the City Clerk as Document No. OO- 21513.4 between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Normal Heights Elementary School.

Section 5. That the Mayor, or designee, is hereby authorized and directed to execute the Agreement for the Construction, Operation, Maintenance, and Use of Joint Use Facilities at Roosevelt Middle School, on file in the Office of the City Clerk as Document No. OO-21513.5, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Roosevelt Middle School.

Section 6. That the Mayor, or designee, is hereby authorized and directed to execute the Agreement for the Construction, Operation, Maintenance, and Use of Play All Day Joint Use Facilities at Taft Middle School, on file in the Office of the City Clerk as Document No. OO-21513.6, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Taft Middle School.

Section 7. That the Prior Agreement for Adams Elementary School, on file in the Office of the City Clerk as Document No. OO-17503, is terminated upon the commencement date of the agreement for Adams Elementary School authorized by this Ordinance.

Section 8. That the Prior Agreement for Challenger Middle School, on file in the Office of the City Clerk as Document No. OO-18410, is terminated upon the commencement date of the agreement for Challenger Middle School authorized by this Ordinance.

Section 9. That the Prior Agreement for Normal Heights Middle School, on file in the Office of the City Clerk as Document No. OO-19436, is terminated upon the commencement date of the agreement for Normal Heights Middle School authorized by this Ordinance.

Section 10. That the Prior Agreement for Roosevelt Middle School, on file in the Office of the City Clerk as Document No. OO-20048, is terminated upon the commencement date of the agreement for Roosevelt Middle School authorized by this Ordinance.

Section 11. That the Chief Financial Officer is authorized to reimburse the San Diego Unified School District for the construction costs of Taft Middle School Joint Use Facility in the amount not to exceed \$3,048,682.88 consisting of \$100,000 from Fund 400132 Serra Mesa – Urban C, \$2,835,594.88 from Fund 200636 Developer Contr CIP within CIP S-15026, Taft Joint Use Facility Development, and \$113,088 from Fund 400132 Serra Mesa – Urban C within CIP S-15026, Taft Joint Use Facility Development, contingent upon the Chief Financial Officer furnishing a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 12. That the Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP S15026, Taft Joint Use Facility Development, and to appropriate and expend \$113,088 from Fund 400132, Serra Mesa – Urban C, for the purpose of the Joint Use Agreement payment to the San Diego Unified School District.

Section 13. 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 14. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

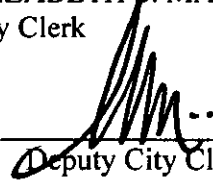
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Marco A. Verdugo
Marco A. Verdugo
Deputy City Attorney

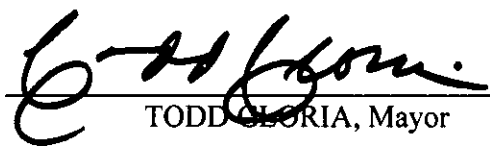
MAV:sc
06/14/2022
Or.Dept: Park & Rec.
Doc. No.: 3004911

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 26 2022.

ELIZABETH S. MALAND
City Clerk

By  Deputy City Clerk

Approved: 7/25/22
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUL 26 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JUL 29 2022.

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 JUL 12 2022, and on JUL 29 2022.

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

<p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>21513</u></p>
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