

ORDINANCE NUMBER O- 21665 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 27 2023

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 CLARK MIDDLE SCHOOL, EDISON ELEMENTARY SCHOOL, EMERSON ELEMENTARY SCHOOL, JEFFERSON ELEMENTARY SCHOOL, OCEAN BEACH ELEMENTARY SCHOOL, AND PERSHING 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 Clark Middle School located at 4388 Thorn Street in the City Heights Community, Edison Elementary School located at 4077 35<sup>th</sup> Street in the City Heights Community, Emerson Elementary School located at 1100 36<sup>th</sup> Street in the Southeastern San Diego Community, Jefferson Elementary School located at 3770 Utah Street in the North Park Community, Ocean Beach Elementary School located at 4741 Santa Monica Avenue in the Ocean Beach Community, and Pershing Middle School located at 8204 San Carlos Drive in the Navajo Community; and

WHEREAS, the City and the District are parties to five separate Joint Use Agreements as follows: (1) Clark Middle School dated September 30, 1997, and on file in the Office of the City Clerk as Document No. OO-18434; (2) Edison Elementary School dated August 7, 2007, and on file in the Office of the City Clerk as Document No. OO-19649; (3) Jefferson Elementary School

dated May 29, 2012, and on file in the Office of the City Clerk as Document No. OO-20145; (4) Ocean Beach Elementary School dated June 24, 1997, and on file in the Office of the City Clerk as Document No. OO-18411; and (5) Pershing Middle School dated February 15, 2018, and on file in the Office of the City Clerk as Document No. OO-20901 (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 Clark Middle School for the operation, maintenance, and use of joint use facilities; (2) a 25-year Joint Use Agreement regarding facilities at Edison Elementary School for the operation, maintenance, and use of joint use facilities; (3) a 25-year Joint Use Agreement regarding facilities at Emerson Elementary School for the operation, maintenance, and use of joint use facilities; (4) a 25-year Joint Use Agreement regarding facilities at Jefferson Elementary School for the operation, maintenance, and use of joint use facilities; (5) a 25-year Joint Use Agreement regarding facilities at Ocean Beach Elementary School for the operation, maintenance, and use of joint use facilities; and (6) a 25-year Joint Use Agreement regarding facilities at Pershing Middle School for the operation, maintenance, and use of joint use facilities; and

WHEREAS, the terms of the agreement with Clark Middle School will allow for the operation, maintenance, and use of approximately 4.58 acres of natural grass play field, asphalt hardcourts, asphalt parking lot, and associated infrastructure; and

WHEREAS, the terms of the agreement with Edison Elementary School will allow for the operation, maintenance, and use of approximately 1.1 acres of synthetic turf play field and associated infrastructure; and

WHEREAS, the City will reimburse the District for the construction costs of the synthetic turf replacement project at the Edison Elementary School Joint Use Facility in the amount not to exceed \$183,164; and

WHEREAS, the terms of the agreement with Emerson Elementary School will allow for the operation, maintenance, and use of approximately 1.6 acres of synthetic turf play field, asphalt walking track, asphalt parking lot, and associated infrastructure; and

WHEREAS, the terms of the agreement with Jefferson Elementary School will allow for the operation, maintenance, and use of approximately 1.43 acres of synthetic turf play field, asphalt hardcourts, play equipment, and associated infrastructure; and

WHEREAS, the City will reimburse the District for the construction costs of the synthetic turf replacement project at the Jefferson Elementary School Joint Use Facility in the amount not to exceed \$151,844; and

WHEREAS, the terms of the agreement with Ocean Beach Elementary School will allow for the operation, maintenance, and use of approximately 1.12 acres of natural grass play field, ball infield area, backstop, bleachers, sports field lighting, and associated infrastructure; and

WHEREAS, the terms of the agreement with Pershing Middle School will allow for the operation, maintenance, and use of approximately 7.36 acres of synthetic turf play field, ball infield area, decomposed granite area, 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; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; 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 Joint Use Facilities at Clark Middle School, on file in the Office of the City Clerk as Document No. OO- 21665<sup>1</sup>, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Clark Middle 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 Edison Elementary School, on file in the Office of the City Clerk as Document No. OO- 21665<sup>2</sup>, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Edison Elementary 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 Joint Use Facilities at Emerson Elementary School, on file in the Office of the City Clerk as Document No. OO- 21665<sup>3</sup>, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Emerson Elementary 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 Jefferson Elementary School, on file in the Office of the City Clerk as Document No.

OO- 21665<sup>4</sup>, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Jefferson 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 Ocean Beach Elementary School, on file in the Office of the City Clerk as Document No.

OO- 21665<sup>5</sup>, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Ocean Beach Elementary 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 Joint Use Facilities at Pershing Middle School, on file in the Office of the City Clerk as Document No.

OO- 21665<sup>6</sup>, 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 7. That the Prior Agreement for Clark Middle School, on file in the Office of the City Clerk as Document No. OO-18434, is terminated upon the commencement date of the agreement for Clark Middle School authorized by this Ordinance.

Section 8. That the Prior Agreement for Edison Elementary School, on file in the Office of the City Clerk as Document No. OO-19649, is terminated upon the commencement date of the agreement for Edison Elementary School authorized by this Ordinance.

Section 9. That the Prior Agreement for Jefferson Elementary School, on file in the Office of the City Clerk as Document No. OO-20145, is terminated upon the commencement date of the agreement for Jefferson Elementary School authorized by this Ordinance.

Section 10. That the Prior Agreement for Ocean Beach Elementary School, on file in the Office of the City Clerk as Document No. OO-18411, is terminated upon the commencement date of the agreement for Ocean Beach Elementary School authorized by this Ordinance.

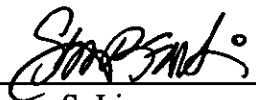
Section 11. That the Prior Agreement for Pershing Middle School, on file in the Office of the City Clerk as Document No. OO-20901, is terminated upon the commencement date of the agreement for Pershing Middle School authorized by this Ordinance.

Section 12. That the Chief Financial Officer is authorized to reimburse the San Diego Unified School District for the construction costs of Edison Elementary School Joint Use Facility in the amount not to exceed \$183,164 and Jefferson Elementary School Joint Use Facility in the amount not to exceed \$154,844 from Fund 100000, Community Parks II Parks and Recreation (171413), 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 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   
\_\_\_\_\_  
Karen S. Li  
Deputy City Attorney

KSL:nja  
05/18/2023  
Or.Dept: Parks & Rec.  
Doc. No.: 3310420

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 20 2023.

DIANA J.S. FUENTES  
City Clerk

By Cennie Patterson  
Deputy City Clerk

Approved: 6/27/23  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

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

Passed by the Council of The City of San Diego on JUN 20 2023, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<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 JUN 27 2023.

AUTHENTICATED BY:

TODD GLORIA

Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES

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

JUN 06 2023

, and on JUN 27 2023.

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)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21665