

ORDINANCE NUMBER O- 21757 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 16 2024

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 AUDUBON K – 8, DANA MIDDLE SCHOOL, GARFIELD ELEMENTARY SCHOOL, MARSTON MIDDLE SCHOOL, STANDLEY MIDDLE SCHOOL, AND THE LANGUAGE ACADEMY, 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 Audubon K - 8 located at 8111 San Vicente Street in the Skyline-Paradise Hills Community, Dana Middle School located at 1775 Chatsworth Boulevard in the Peninsula Community, Garfield Elementary School located at 4487 Oregon Street in the North Park Community, Marston Middle School located at 3799 Clairemont Drive in the Clairemont Community, Standley Middle School located at 6298 Radcliffe Drive in the University Community, and the Language Academy located at 4961 64th Avenue in the College Area Community; and

WHEREAS, the City and the District are parties to six joint use agreements as follows:

(1) Audubon K - 8 dated October 20, 2020, and on file in the Office of the City Clerk as Document No. OO-21249; (2) Dana Middle School (First Amendment) dated February 1, 1999, and on file in the Office of the City Clerk as Document No. OO-18623; (3) Garfield Elementary School dated February 27, 2001, and on file in the Office of the City Clerk as Document

No. OO-18926; (4) Marston Middle School dated January 20, 2005, and on file in the Office of the City Clerk as Document No. OO-19352; (5) Standley Middle School dated February 24, 2020, and on file in the Office of the City Clerk as Document No. OO-22751; and (6) the Language Academy dated July 20, 2011, and on file in the Office of the City Clerk as Document No. OO-20076 (collectively, Current Joint Use Agreements); and

WHEREAS, the City and the District desire to terminate the Current Joint Use Agreements and enter into six new agreements as follows: (1) a 25-year Joint Use Agreement regarding facilities at Audubon School for the operation, maintenance, and use of joint use facilities; (2) a 25-year Joint Use Agreement regarding facilities at Dana Middle School for the operation, maintenance, and use of joint use facilities; (3) a 25-year Joint Use Agreement regarding facilities at Garfield Elementary School for the operation, maintenance, and use of joint use facilities; (4) a 25-year Joint Use Agreement regarding facilities at Marston Middle School for the operation, maintenance, and use of joint use facilities; (5) a 25-year Joint Use Agreement regarding facilities at Standley Middle School for the operation, maintenance, and use of joint use facilities; and (6) a 10-year Joint Use Agreement regarding facilities at Language Academy for the operation, maintenance, and use of joint use facilities; and

WHEREAS, the terms of the agreement with Audubon K - 8 will allow for the operation, maintenance, and use of approximately 1.95 acres of natural grass playfield, decomposed granite walking track, and associated infrastructure; and

WHEREAS, the terms of the agreement with Dana Middle School will allow for the operation, maintenance, and use of approximately 3.96 acres of natural grass playfield, asphalt hardcourts, asphalt parking lot, concrete hardcourts, city backstop and ball infield, comfort station, and associated infrastructure; and

WHEREAS, the terms of the agreement with Garfield Elementary School will allow for the operation, maintenance, and use of approximately .74 acres of natural grass playfield and associated infrastructure; and

WHEREAS, the terms of the agreement with Marston Middle School will allow for the operation, maintenance, and use of approximately 5.6 acres of natural grass playfield, asphalt walking track, field lighting, and associated infrastructure; and

WHEREAS, the terms of the agreement with Standley Middle School will allow for the operation, maintenance, and use of approximately 13.40 acres of natural grass playfield, ball infield area, decomposed granite walking track, pavilion, asphalt and concrete hardcourts, asphalt parking lots, and associated infrastructure; and

WHEREAS, the terms of the agreement with the Language Academy allow for the operation, maintenance, and use of approximately 2.63 acres of synthetic turf playfield, asphalt parking lot, asphalt 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 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 Agreement for Audubon K - 8, on file in the Office of the City Clerk as Document No. OO-21249, is terminated upon the commencement date of the agreement for Audubon K - 8 authorized by this Ordinance.

Section 2. That the Agreement for Dana Middle School, on file in the Office of the City Clerk as Document No. OO-18623, is terminated upon the commencement date of the agreement for Dana Middle School authorized by this Ordinance.

Section 3. That the Agreement for Garfield Elementary School, on file in the Office of the City Clerk as Document No. OO-18926, is terminated upon the commencement date of the agreement for Garfield Elementary School authorized by this Ordinance.

Section 4. That the Agreement for Marston Middle School, on file in the Office of the City Clerk as Document No. OO-19352, is terminated upon the commencement date of the agreement for Marston Middle School authorized by this Ordinance.

Section 5. That the Agreement for Standley Middle School, on file in the Office of the City Clerk as Document No. OO-22751, is terminated upon the commencement date of the agreement for Standley Middle School authorized by this Ordinance.

Section 6. That the Agreement for the Language Academy on file in the Office of the City Clerk as Document No. OO-20076, is terminated upon the commencement date of the agreement for the Language Academy authorized by this Ordinance.

Section 7. That the Mayor, or designee, is hereby authorized and directed to execute the new Agreement for the Construction, Operation, Maintenance, and Use of Joint Use Facilities at Audubon K - 8, on file in the Office of the City Clerk as Document No. OO- 21757-1, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Audubon K - 8.

Section 8. That the Mayor, or designee, is hereby authorized and directed to execute the new Agreement for the Construction, Operation, Maintenance, and Use of Joint Use Facilities at Dana Middle School, on file in the Office of the City Clerk as Document No. OO- 21757-2

between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Dana Middle School.

Section 9. That the Mayor, or designee, is hereby authorized and directed to execute the new Agreement for the Construction, Operation, Maintenance, and Use of Joint Use Facilities at Garfield Elementary School, on file in the Office of the City Clerk as Document No. OO- 21757³, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Garfield Elementary School.

Section 10. That the Mayor, or designee, is hereby authorized and directed to execute the new Agreement for the Construction, Operation, Maintenance, and Use of Joint Use Facilities at Marston Middle School, on file in the Office of the City Clerk as Document No. OO- 21757⁴ between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Marston Middle School.

Section 11. That the Mayor, or designee, is hereby authorized and directed to execute the new Agreement for the Construction, Operation, Maintenance, and Use of Joint Use Facilities at Standley Middle School, on file in the Office of the City Clerk as Document No. OO- 21757⁵ between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Standley Middle School.

Section 12. That the Mayor, or designee, is hereby authorized and directed to execute the new Agreement for the Construction, Operation, Maintenance, and Use of Joint Use Facilities at the Language Academy, on file in the Office of the City Clerk as Document No. OO- 21757⁶, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of the Language Academy.

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 Catherine Morrison
Catherine C. Morrison
Deputy City Attorney

CCM:jvg
August 29, 2023
December 6, 2023 COR. COPY
Or.Dept: Park & Rec
Doc. No.: 3400127_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 09 2024.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 1/12/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(Note: The date of final passage is January 16, 2024, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

Passed by the Council of The City of San Diego on JAN 09 2024, 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 type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JAN 16 2024.

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

DEC 1 2 2023, and on JAN 16 2024.

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- <u>21757</u>