

#53
03/11/2025
(O-2025-85)

ORDINANCE NUMBER O- 21929 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 14 2025

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF EIGHT JOINT USE AGREEMENTS BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO UNIFIED SCHOOL DISTRICT FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF JOINT USE FACILITIES AT BIRNEY ELEMENTARY SCHOOL, BOONE ELEMENTARY SCHOOL, CLAIREMONT CANYONS ACADEMY, FLETCHER ELEMENTARY SCHOOL, KUMEYAAY ELEMENTARY SCHOOL, PERRY ELEMENTARY SCHOOL, ROWAN ELEMENTARY SCHOOL, AND WILSON MIDDLE SCHOOL, AND RELATED ACTIONS.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

A. Since 1948, the City of San Diego (City) and the San Diego Unified School District (District) have enjoyed a long-standing partnership 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.

B. The District owns Birney Elementary School located at 4345 Campus Avenue in the Uptown Community, Boone Elementary School located at 7550 Brookhaven Road in the Skyline-Paradise Hills Community, Clairemont Canyons Academy located at 4133 Mt. Albertine Avenue in the Clairemont Community, Fletcher Elementary School located at 7666 Bobolink Way in the Serra Mesa Community, Kumeyaay Elementary School located at 6475 Antigua Blvd. in the Tierrasanta Community, Perry Elementary School located at 6290 Oriskany Road in the Skyline-Paradise Hills Community, Rowan Elementary School located at 1755 Rowan Street in the City Heights Community, and Wilson Middle School located at 3838 Orange Avenue in the City Heights Community .

C. This action will approve of a total of eight Joint Use Agreements between the City and the District as follows: (1) a 25-year Joint Use Agreement regarding facilities at Birney Elementary School for the operation, maintenance, and use of joint use facilities; (2) a 25-year Joint Use Agreement regarding facilities at Boone Elementary School for the operation, maintenance, and use of joint use facilities; (3) a 25-year Joint Use Agreement regarding facilities at Clairemont Canyons Academy for the operation, maintenance, and use of joint use facilities; (4) a 25-year Joint Use Agreement regarding facilities at Fletcher Elementary School for the operation, maintenance, and use of joint use facilities; (5) a 25-year Joint Use Agreement regarding facilities at Kumeyaay Elementary School for the operation, maintenance, and use of joint use facilities; and (6) a 25-year Joint Use Agreement regarding facilities at Perry Elementary School for the operation, maintenance, and use of joint use facilities; (7) a 25-year Joint Use Agreement regarding facilities at Rowan Elementary School for the operation, maintenance, and use of joint use facilities; and (8) a 10-year Joint Use Agreement regarding facilities at Wilson Middle School for the operation, maintenance, and use of joint use facilities.

D. The Joint Use Agreements are drafted using the newly approved Joint Use Agreement template. In order to make all the Joint Use Agreements with the District consistent, the City will terminate Joint Use Agreements at five of the eight school sites that already have a Joint Use Agreement in place and replace them with the template Joint Use Agreement. Accordingly, the Joint Use Agreements currently in place at Birney Elementary School, Clairemont Canyons Academy, formerly known as Lindbergh-Schweitzer Elementary School, Fletcher Elementary School, Kumeyaay Elementary School, and Wilson Middle School, will be terminated.

E. The terms of the new agreement with Birney Elementary School will allow for the operation, maintenance, and use of approximately 1.98 acres of multi-purpose natural grass turf field, asphalt walking track, and associated infrastructure.

F. The terms of the new agreement with Boone Elementary School will allow for the operation, maintenance, and use of approximately 3.56 acres of multi-purpose natural grass turf field, asphalt walking track, asphalt hardcourts, asphalt parking lot, play equipment with resilient surfacing, and associated infrastructure.

G. The terms of the new agreement with Clairemont Canyons Academy will allow for the operation, maintenance, and use of approximately 3.30 acres of multi-purpose natural grass turf field, asphalt walking track, asphalt hardcourts, asphalt parking lot, and associated infrastructure.

H. The terms of the new agreement with Fletcher Elementary School will allow for the operation, maintenance, and use of approximately 4.37 acres of multi-purpose natural grass turf field, City backstop and ball infield area, asphalt hardcourts, asphalt parking lot, play equipment with resilient surfacing, and associated infrastructure.

I. The terms of the new agreement with Kumeyaay Elementary School will allow for the operation, maintenance, and use of approximately 5.58 acres of multi-purpose natural grass turf field, City backstop and ball infield area, asphalt hardcourts, asphalt parking lot, play equipment with resilient surfacing, and associated infrastructure.

J. The terms of the new agreement with Perry Elementary School will allow for the operation, maintenance, and use of approximately 2.95 acres of multi-purpose natural grass turf field, decomposed granite walking track, asphalt hardcourts, asphalt parking lot, and associated infrastructure.

K. The terms of the new agreement with Rowan Elementary School will allow for the operation, maintenance, and use of approximately 2.54 acres of multi-purpose natural grass turf field, asphalt walking track, asphalt hardcourts, asphalt parking lot, and associated infrastructure.

L. The terms of the new agreement with Wilson Middle School will allow for the operation, maintenance, and use of approximately 3.16 acres of multi-purpose synthetic turf field and walking track, concrete mezzanine hardcourts, Linear Park event space with landscaping, concrete walkway, ramp, and stairs, security lighting, and associated infrastructure.

M. 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.

N. The Office of the City Attorney prepared this Ordinance based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. The Agreement for Birney Elementary School, on file in the Office of the City Clerk as Document No. OO-19901, is terminated upon the commencement date of the agreement for Birney Elementary School authorized by this Ordinance.

Section 2. The Agreement for Clairemont Canyons Academy, formerly known as Lindberg-Schweitzer Elementary School, on file in the Office of the City Clerk as Document No. OO-21260, is terminated upon the commencement date of the agreement for Clairemont Canyons Academy authorized by this Ordinance.

Section 3. The Agreement for Fletcher Elementary School, on file in the Office of the City Clerk as Document No. OO-19375, is terminated upon the commencement date of the agreement for Fletcher Elementary School authorized by this Ordinance.

Section 4. The Agreement for Kumeyaay Elementary School, on file in the Office of the City Clerk as Document No. OO-19168, is terminated upon the commencement date of the agreement for Kumeyaay Elementary School authorized by this Ordinance.

Section 5. The Agreement for Wilson Middle School, on file in the Office of the City Clerk as Document No. OO-19532, is terminated upon the commencement date of the agreement for Wilson Middle School authorized by this Ordinance.

Section 6. 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 Birney Elementary School, on file in the Office of the City Clerk as Document No. OO-21929-1, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Birney Elementary School.

Section 7. 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 Boone Elementary School, on file in the Office of the City Clerk as Document No. OO-21929-2, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Boone Elementary School.

Section 8. 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 Clairemont Canyons Academy, on file in the Office of the City Clerk as Document

No. OO- 21929-3, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Clairemont Canyons Academy.

Section 9. 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 Fletcher Elementary School, on file in the Office of the City Clerk as Document No. OO- 21929-4, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Fletcher Elementary School.

Section 10. 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 Kumeyaay Elementary School, on file in the Office of the City Clerk as Document No. OO- 21929-5, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Kumeyaay Elementary School.

Section 11. 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 Perry Elementary School, on file in the Office of the City Clerk as Document No. OO- 21929-6, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Perry Elementary School.

Section 12. 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 Rowan Elementary School, on file in the Office of the City Clerk as Document No. OO- 21929-7, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Rowan Elementary School.

Section 13. 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 Wilson Middle School, on file in the Office of the City Clerk as Document No. OO- 21929-8, between the City of San Diego and the San Diego Unified School District, for the joint use of a portion of Wilson Middle School.

Section 14. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 15. This Ordinance will take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: HEATHER FERBERT, City Attorney

By Catherine Morrison
Catherine C. Morrison
Deputy City Attorney

CCM:jvg
January 30, 2025
Or.Dept: Parks and Rec.
Doc. No. 3956324

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on MAR 11 2025.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 3/13/25
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(Note: The date of final passage is March 14, 2025, 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 MAR 11 2025, 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"/> |
| Henry L. Foster III | <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"/> |
| 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 MAR 14 2025.

AUTHENTICATED BY:

(Seal)

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

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Linda Irwin, 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

FEB 25 2025, and on MAR 14 2025.

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 Linda Irwin, Deputy
For Connie Patterson

Office of the City Clerk, San Diego, California

Ordinance Number O- 21929