

**DEL MAR UNION SCHOOL DISTRICT  
BOARD OF TRUSTEES  
Del Mar Hills School – Multipurpose Room  
14085 Mango Drive  
Del Mar, CA 92014**

**MEETING OF THE LEGISLATIVE BODY OF CFD NO. 95-1  
5:40 P.M.**

**OFFICIAL AGENDA  
April 28, 2010**

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Written notice is hereby given in accordance with Education Code Section 35144, Government Code 54956, and other applicable law that the following Meeting of the Legislative Body of CFD 95-1 will be held on Wednesday, April 28, 2010, at the Del Mar Hills School Multipurpose Building, 14085 Mango Drive, Del Mar, CA 92014. The meeting will begin at 5:40 P.M.

**PLEASE NOTE:** Any member of the public who wishes to address the Board on an item on the agenda or on another topic which lies within the Governing Board's jurisdiction may do so, but must present a written request on the form provided before the meeting is called to order. A member of the public who wishes to address the Board on such item is limited to three minutes unless such time limit is waived by a majority vote of the Board. The total amount of time to be allowed on any item is twenty minutes unless the time limit is waived by a majority vote of the Board.

In accordance with the Brown Act, unless an item has been placed on the published agenda, there shall be no action taken. The Board may 1) acknowledge receipt of the information, 2) refer to staff for further study, 3) refer the matter to the next agenda.

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications or accommodations, including auxiliary aids or services in order to participate in the public meetings of the District's Governing Board, please contact the office of the District Superintendent at (858) 523-6198. Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with this meeting in appropriate alternative formats for persons with a disability.

**BUSINESS TO BE TRANSACTED WILL BE LIMITED TO THE FOLLOWING:**

1. CALL TO ORDER time: \_\_\_\_\_

2. Approval of Agenda \_\_\_\_\_motion \_\_\_\_\_second

3. Board Approval of Meeting Minutes \_\_\_\_\_motion \_\_\_\_\_second

Minutes of February 10, 2010

Minutes of February 17, 2010

Minutes of March 24, 2010

4. Approval of Consent Items

*Agenda items preceded by an asterisk (\*) comprise the Consent Agenda and, unless removed at the request of a Board Member, will be approved by the Board as a group.*

\*4.1 Board Ratification of CFD 95-1 Purchase Orders and Commercial Warrants

\_\_\_\_\_motion \_\_\_\_\_second

5. Information Items

None at this time

6. Approval of Items Requiring Board Action

None at this time

7. Communications from the Public

*This section of the agenda is provided for the public to address any item which lies within the Governing Board's jurisdiction that is not on the agenda.*

8. Adjournment of Meeting \_\_\_\_\_motion \_\_\_\_\_second

**DEL MAR UNION SCHOOL DISTRICT  
BOARD OF TRUSTEES  
Del Mar Hills School Multipurpose Room  
14085 Mango Drive  
Del Mar, CA 92014**

**MEETING MINUTES OF THE LEGISLATIVE BODY OF CFD NO. 95-1  
February 10, 2010**

Board Members Present: Annette Easton, Comischell Rodriguez,  
Steven McDowell, Katherine White, Doug Perkins

Members Absent: None

Staff: Sharon McClain, Superintendent  
Dena Whittington, Assistant Superintendent Business  
Service

- 1. Call to Order** President Rodriguez called the meeting to order at 5:55 P.M.
  
- 2. Approval of Agenda** On a motion by Member Easton, seconded by Member McDowell, and carried unanimously, the Board approved the agenda as shown.
  
- 3. Approval of Minutes  
Minutes of December 9, 2009** On a motion by Member McDowell, seconded by Member Perkins and carried unanimously, the Board approved the minutes as shown.

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| <b>4. Approval of Consent Items</b>                | On a motion by Member White, seconded by Member Easton and carried unanimously, the Board approved the consent items.                                       |
| <b>5. Approval of Items Requiring Board Action</b> | None at this time.  |
| <b>6. Communications from the Public</b>           | There were no communications from the public.   |
| <b>7. Adjournment of Meeting</b>                   | On a motion by Member Perkins, seconded by Member White and carried unanimously, the meeting of the Legislative Body of CFD 95-1 was adjourned at 5:56 P.M. |

\_\_\_\_\_  
Steven McDowell, Clerk of the Board of Trustees

\_\_\_\_\_  
Date

\_\_\_\_\_  
Comischell Rodriguez, President

\_\_\_\_\_  
Date

**DEL MAR UNION SCHOOL DISTRICT  
BOARD OF TRUSTEES  
Del Mar Hills School Multipurpose Room  
14085 Mango Drive  
Del Mar, CA 92014**

**MEETING MINUTES OF THE LEGISLATIVE BODY OF CFD NO. 95-1  
February 17, 2010**

Board Members Present: Annette Easton, Comischell Rodriguez,  
Steven McDowell, Katherine White, Doug Perkins

Members Absent: None

Staff: Sharon McClain, Superintendent  
Dena Whittington, Assistant Superintendent Business  
Service

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|--|--|
| <b>1. Call to Order</b>                            | President Rodriguez, called the meeting to order at 5:55 P.M.  |
| <b>2. Approval of Agenda</b>                       | On a motion by Member Easton, seconded by Member Perkins, and carried unanimously, the Board approved the agenda as shown. |
| <b>3. Approval of Minutes</b>                      | None at this time  |
| <b>4. Approval of Consent Items</b>                | None at this time  |
| <b>5. Approval of Items Requiring Board Action</b> | On a motion by Member McDowell, seconded by Member Perkins, and  |

carried unanimously, the Board approved the agenda as shown.

**6. Communications from the Public**

There were no communications from the public.

**7. Adjournment of Meeting**

On a motion by Member McDowell, seconded by Member White and carried unanimously, the meeting of the Legislative Body of CFD 95-1 was adjourned at 5:57 P.M.

\_\_\_\_\_  
Steven McDowell, Clerk of the Board of Trustees

\_\_\_\_\_  
Date

\_\_\_\_\_  
Comischell Rodriguez, President

\_\_\_\_\_  
Date

**DEL MAR UNION SCHOOL DISTRICT  
BOARD OF TRUSTEES  
Del Mar Hills School Multipurpose Room  
14085 Mango Drive  
Del Mar, CA 92014**

**MEETING MINUTES OF THE LEGISLATIVE BODY OF CFD NO. 95-1  
March 24, 2010**

Board Members Present: Annette Easton, Comischell Rodriguez,  
Steven McDowell, Katherine White, Doug Perkins

Members Absent: None

Staff: Sharon McClain, Superintendent  
Dena Whittington, Assistant Superintendent Business  
Service

- 1. Call to Order** President Rodriguez, called the meeting to order at 8:55 P.M.
  
- 2. Approval of Agenda** On a motion by Member White, seconded by Member Rodriguez, and carried unanimously, the Board approved the agenda as shown.
  
- 3. Approval of Minutes** None at this time
  
- 4. Approval of Consent Items** None at this time
  
- 5. Approval of Items Requiring Board Action** On a motion by Member Easton, seconded by Member White, and carried unanimously, the Board approved the agenda as shown.

**6. Communications from the Public**

There were no communications from the public.

**7. Adjournment of Meeting**

On a motion by Member McDowell, seconded by Member Perkins and carried unanimously, the meeting of the Legislative Body of CFD 95-1 was adjourned at 8:56 P.M.

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Steven McDowell, Clerk of the Board of Trustees

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Date

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Comischell Rodriguez, President

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Date

April 20, 2010

To: Board Members

From: Dena Whittington, Assistant Superintendent Business Services

Through: James Peabody, Interim Superintendent

Subject: Agenda Item \*4.1: Board Ratification of CFD 95-1 Purchase Orders and Commercial Warrants

Ratification of purchase orders and commercial warrants are in order at this time. It is recommended that the Board of Trustees ratify the purchase orders in the amount of \$489,707.73 and commercial warrants in the amount of \$465,461.96.

Expenditures included the Union Bank of California debt service payment, and expenditures related to the Ocean Air School park access, sewer improvement and purchase of furniture and equipment due to classroom expansion.

FISCAL IMPACT: Supported by CFD 95-1

RECOMMENDED: The Interim Superintendent recommends the Board approve to ratify the CFD 95-1 purchase orders in the amount of \$489,707.73 and commercial warrants in the amount of \$465,461.96

**Communities Facilities District 95-1  
Purchase Orders**

<b>P/O Number</b>	<b>Date Issued</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Amount</b>
90017	02/05/10	AO Reed & Co	Ocean Air Sewer Vent Upgrade	\$ 4,243.91
90018	02/05/10	Union Bank of California	Debt Service Payment	454,745.64
90020	03/10/10	School Space Solutions	Ocean Air Furniture & Equipment	5,795.18
90021	03/25/10	GEM Industrial, Inc.	Ocean Air Park Access	19,723.00
90022	03/26/10	Burkett & Wong Engineers	Ocean Air Park Access	5,200.00
			<b>Total Purchase Orders</b>	<b><u>\$ 489,707.73</u></b>

**Community Facilities District 95-1  
Commercial Warrants**

<b>Date</b>	<b>Warrant Number</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Amount</b>
02/08/10	12-736388	A. O. Reed	Ocean Air Sewer Improvement	\$ 4,243.91
02/08/10	12-736389	Golden Star Technology	Ocean Air-Printers	1,057.05
02/08/10	12-736390	Union Bank of California	March Debt Service	454,745.64
03/11/10	12-749829	Aztec Applicance	Ocean Air-Furniture & Equipment	2,716.58
03/29/10	12-757164	Burkett & Wong Engineers	Ocean Air School-Park Access	1,850.00
03/29/10	12-757165	Del Mar Blue Print	Ocean Air School-Park Access	107.66
03/29/10	12-757166	Willdan Financial Services	Special Tax Administration	741.12
			<b>Total Commercial Warrants</b>	<b>\$ 465,461.96</b>

**DEL MAR UNION SCHOOL DISTRICT  
BOARD OF TRUSTEES  
Del Mar Hills School – Multipurpose Room  
14085 Mango Drive  
Del Mar, CA 92014**

**MEETING OF THE LEGISLATIVE BODY OF CFD NO. 99-1  
5:40 P.M. (Immediately Following the Meeting of  
the Legislative Body of CFD 95-1)**

**OFFICIAL AGENDA  
April 28, 2010**

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Written notice is hereby given in accordance with Education Code Section 35144, Government Code 54956, and other applicable law that the following Meeting of the Legislative Body of CFD 99-1 will be held on Wednesday, April 28, 2010, at the Del Mar Hills School Multipurpose Building, 14085 Mango Drive, Del Mar, CA 92014. The meeting will begin at 5:40 P.M.

**PLEASE NOTE:** Any member of the public who wishes to address the Board on an item on the agenda or on another topic which lies within the Governing Board's jurisdiction may do so, but must present a written request on the form provided before the meeting is called to order. A member of the public who wishes to address the Board on such item is limited to three minutes unless such time limit is waived by a majority vote of the Board. The total amount of time to be allowed on any item is twenty minutes unless the time limit is waived by a majority vote of the Board.

In accordance with the Brown Act, unless an item has been placed on the published agenda, there shall be no action taken. The Board may 1) acknowledge receipt of the information, 2) refer to staff for further study, 3) refer the matter to the next agenda.

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications or accommodations, including auxiliary aids or services in order to participate in the public meetings of the District's Governing Board, please contact the office of the District Superintendent at (858) 523-6198. Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with this meeting in appropriate alternative formats for persons with a disability.

**BUSINESS TO BE TRANSACTED WILL BE LIMITED TO THE FOLLOWING:**

1. CALL TO ORDER time: \_\_\_\_\_

2. Approval of Agenda \_\_\_\_\_motion \_\_\_\_\_second

3. Board Approval of Meeting Minutes \_\_\_\_\_motion \_\_\_\_\_second

Minutes of the February 10, 2010 Meeting

4. Approval of Consent Items

*Agenda items preceded by an asterisk (\*) comprise the Consent Agenda and, unless removed at the request of a Board Member, will be approved by the Board as a group.*

Agenda Item \*4.1: Board Ratification of CFD 99-1 Purchase Orders and Commercial Warrants

Agenda Item \*4.2: Board Approval to Fund for Design and Construction of Pedestrian Traffic Signal at Old Carmel Valley Road and Sandown Way

5. Information Items

None at this time

6. Approval of Items Requiring Board Action

None at this time

7. Communications from the Public

*This section of the agenda is provided for the public to address any item which lies within the Governing Board's jurisdiction that is not on the agenda.*

8. Adjournment of Meeting \_\_\_\_\_motion \_\_\_\_\_second

**DEL MAR UNION SCHOOL DISTRICT  
BOARD OF TRUSTEES  
Del Mar Hills School Multipurpose Room  
14085 Mango Drive  
Del Mar, CA 92014**

**MEETING MINUTES OF THE LEGISLATIVE BODY OF CFD NO. 99-1  
February 10, 2010**

Board Members Present: Annette Easton, Comischell Rodriguez,  
Steven McDowell, Katherine White, Doug Perkins

Members Absent: None

Staff: Sharon McClain, Superintendent  
Dena Whittington, Assistant Superintendent Business  
Services

1. **Call to Order** President Rodriguez called the meeting to order at 5:56 P.M.
  
2. **Approval of Agenda** On a motion by Member White, seconded by Member Perkins, and carried unanimously, the Board approved the agenda as shown.
  
3. **Approval of Minutes  
Minutes of December 9, 2009** On a motion by Member McDowell, seconded by Member White, and carried unanimously, the Board approved the agenda as shown.

4. **Approval of Consent Items** On a motion by Member Easton, seconded by Member McDowell and carried unanimously, the Board approved the consent items.
5. **Approval of Items Requiring Board Action** None at this time
6. **Communications from the Public** There were no communications from the public.
7. **Adjournment of Meeting** On a motion by Member Perkins, seconded by Member White and carried unanimously, the meeting of the Legislative Body of CFD 99-1 was adjourned at 5:57 P.M.

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Steven McDowell, Clerk of the Board of Trustees

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Date

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Comischell Rodriguez, President

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Date

April 20, 2010

To: Board Members

From: Dena Whittington, Assistant Superintendent Business Services

Through: James Peabody, Interim Superintendent

Subject: Agenda Item \*4.1: Board Ratification of CFD 99-1 Purchase Orders and Commercial Warrants

Ratification of purchase orders and commercial warrants are in order at this time. It is recommended that the Board of Trustees ratify the purchase order in the amount of \$279,348.61 and commercial warrants in the amount of \$279,796.37.

This expenditure was for the debt service payment to the Union Bank of California.

FISCAL IMPACT: Supported by CFD 99-1

RECOMMENDED: The Interim Superintendent recommends the Board approve to ratify the CFD 99-1 purchase orders in the amount of \$279,348.61 and commercial warrants in the amount of \$279,796.37

**Communities Facilities District 99-1  
Purchase Orders**

<b>P/O Number</b>	<b>Date Issued</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Amount</b>
90019	02/05/10	Union Bank of California	Debt Service Payment	\$ 279,348.61
<b>Total Purchase Orders</b>				<b><u>\$ 279,348.61</u></b>

**Community Facilities District 99-1  
Commercial Warrants**

<b>Date</b>	<b>Warrant Number</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Amount</b>
02/08/10	12-736391	Union Bank of California	March Debt Service	\$ 279,348.61
03/29/10	12-757167	Willdan Financial Services	Special Tax Administration	447.76
<b>Total Commercial Warrants</b>				<u><u>\$ 279,796.37</u></u>

April 20, 2010

To: Board Members

From: Dena Whittington, Assistant Superintendent Business Services

Through: Jim Peabody, Interim Superintendent

Subject: Agenda Item \*4.2: Board Approval to Fund for Construction of Pedestrian Traffic Signal at Old Carmel Valley Road and Sandown Way

On October 25, 2006 The Del Mar Union School District entered into a Memorandum of Understanding with the City of San Diego to work jointly to design and construct a Pedestrian Traffic Signal on Old Carmel Valley Road adjacent to Sycamore Ridge School. The City of San Diego will design and construct the Pedestrian Traffic Signal.

The School District, using CFD funds, shall reimburse the City for design, construction and management costs necessary to complete the Pedestrian Traffic Signal project. The District is required to deposit funds with the City Treasurer prior to the award the construction contract. Projected cost for the Pedestrian Traffic Signal project is \$120,000 not to exceed \$150,000.

Please see attached Memorandum of Understanding.

FISCAL IMPACT: Supported by CFD 99-1, No fiscal impact to General Fund

RECOMMENDED: The Superintendent recommends the Board approve the request for funds for construction of the Sycamore Ridge Pedestrian Traffic Signal.



THE CITY OF SAN DIEGO

January 28, 2010

TR 312,561

Mr. Randy Wheaton  
Del Mar Union School District  
225 Ninth Street  
Del Mar, CA 92014

Dear Mr. Wheaton:

This is a follow up to a recent e-mail regarding the funding, design, and construction of a new traffic signal at the intersection of Old Carmel Valley Road and Sandown Way (adjacent to Sycamore Ridge School).

Attached you will find a copy of the Memorandum of Understanding Regarding the Sycamore Ridge Pedestrian Signal. This document details the desire of the Del Mar Union School District and the City of San Diego to work jointly to design and construct a pedestrian traffic signal at Old Carmel Valley Road and Sandown Way. In addition, I have attached, for your reference, a copy of the City of San Diego Council Resolution authorizing the City to execute the Memorandum of Understanding with the Del Mar Union School District.

At this time, the City has completed the design of the traffic signal and we are getting ready to begin the project's construction contract advertizing phase. However, in order to advertize the project we must ensure that sufficient funding is available for the construction of the pedestrian signal. Therefore, we respectfully request that the Del Mar Union School District deposit \$120,000, per the attached Memorandum of Understanding, with the City Treasurer.

If you have any questions, please contact me at (619) 533-3141.

Sincerely,

Duncan Hughes  
Senior Traffic Engineer

EF:sg

Attachments

cc: Dayue Zhang, Associate Traffic Engineer, Right-of-Way Design Division

**Engineering and Capital Projects Department**

1010 Second Avenue, Suite 800 • San Diego, CA 92101  
Tel: (619) 533-3126 Fax: (619) 533-3131



ORIGINAL

ORIGINAL

**MEMORANDUM OF UNDERSTANDING  
REGARDING THE SYCAMORE RIDGE PEDESTRIAN SIGNAL**

This Memorandum of Understanding regarding the Sycamore Ridge Pedestrian Traffic Signal [MOU], is made and entered into this 25 day of October 2006 2006, by and between the City of San Diego, a Municipal Corporation [City] and the Del Mar Union School District, a public school district [District](individually referenced as "Party" and collectively as "Parties").

**RECITALS**

1. Whereas, the Parties desire to work jointly to design and construct a Pedestrian Traffic Signal [Signal Project] in response to the need for a pedestrian crossing on Old Carmel Valley Road adjacent to Sycamore Ridge School.
2. Whereas, the Mayor of the City of San Diego finds that this contract furthers the public policy of providing safe routes for children to travel to and from school, and that this contract is in the public interest.
3. Whereas, the Parties agree that the City shall provide all design services for the Signal Project at City's cost.
4. Whereas, the Parties agree that District shall reimburse the City for all design, construction, and construction management costs necessary to complete the Signal Project subject to the terms and conditions of this MOU.
5. Whereas, the Parties find it in their best interests to expedite the design, advertising and construction of the Signal Project, with an anticipated completion date of August 1, 2007.
6. Whereas, the Parties agree that the City shall maintain ownership of the Signal Project and shall be responsible for operation and maintenance of the Signal Project, subject to the terms of this MOU.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

1. The above listed Recitals are true and correct and are hereby incorporated by reference and adopted as part of this MOU.
2. The City shall:
  - a. Provide all administrative and professional services required for design and construction management of the Signal Project.
  - b. Act as lead agency with full authority to execute the construction contract and related activities for the Signal Project, provided that funding for such contract

DOCUMENT NO. 0302767
FILED JUN 26 2007

and related activities has been authorized and appropriated by the District and the City Council for their respective shares in advance of contract award. Construction change orders shall be subject to District approval; provided, however, that such approval shall not be unreasonably or untimely withheld.

- c. Develop the contract terms and conditions for construction of the Signal Project, subject to review and approval by the District prior to bid solicitation including requiring the contractor(s) performing the Signal Project work to name both the City and the District as additional insureds on their insurance policies and as co-obligees on the payment and performance bonds.
- d. Act as lead agency in the preparation of, advertising for, opening, reviewing bids, award and administration of the construction contract.
- e. Provide periodic invoices to the District detailing the nature of the work completed and the amount of payment required for construction related surveying, construction of the Project, and administration of the contract work.
- f. Follow the practice of the engineering profession in rendering findings, opinions, factual presentations, professional advice, and recommendations.
- g. Assign qualified personnel to the Signal Project and be responsible for the general administration of the work performed on the Signal Project by its force, consultants, subconsultants, and approved contractors. Provide quality assurance services during construction to ensure all required inspections, tests, submittals, and other contract requirements are met by the contractor.
- h. Deposit all money provided by the District pursuant to this MOU into a special fund dedicated to the Signal Project [Designated Fund] and return all unused money within the Designated Fund to District within sixty (60) days of the City's filing of a Notice of Completion of the Signal Project.
- i. Maintain construction records and files. Provide record drawings (as-builts) to the District.
- j. Ensure compliance with all applicable federal, state and local laws necessary to complete construction of the Signal Project, including but not limited to the California Environmental Quality Act, prevailing wage laws, and all construction permits required by law.
- k. Inform the District, and obtain the District's consent to any pending changes to the Signal Project whenever the City becomes aware of the need to make a change.

CITY OF SAN DIEGO/ DEL MAR UNIFIED SCHOOL DISTRICT  
SYCAMORE RIDGE PEDESTRIAN SIGNAL MOU

- l. Inform the parties of any potential cause(s) which are reasonably likely to result in the delay of construction.
  - m. Provide Engineer of Record services including review and approval of contractor submittals and RFIs. In the event a design change is required due to differing field conditions or unforeseen conditions, the City shall review the change order and provide appropriate response. The City will provide quality control inspection during construction including inspection and acceptance of all materials and workmanship, to City's satisfaction.
  - n. Operate and maintain the Signal upon completion.
2. The District shall:
- a. At least thirty (30) days prior to award of the construction contract for the Signal Project [Contract], deposit **\$120,000** with the City Treasurer.
  - b. Reimburse the City for design services, in amount not to exceed **\$20,000**.
  - c. In the event that the lowest responsible bid amount exceeds **\$100,000**, District shall, at least ten (10) days prior to award of the Contract, either (1) deposit the amount of the lowest responsible bid plus ten percent of the bid for Administrative Costs plus ten percent of the bid for contingency or (2) submit written notification to the City's designated representative that additional funds have not been authorized, in which case the City may elect to reject all bids and terminate the Signal Project or move forward to construct the Signal Project with additional funds appropriated by City.
  - d. Deposit all funds necessary to pay for change order work necessary to complete construction of the Signal Project, that exceed the amounts allocated for construction of the Signal Project in Section 2(a) of this MOU up to a not-to-exceed amount for the Signal Project of **\$150,000** . If the total cost of the design and construction of the Signal Project, including change order work, exceeds **\$150,000**, the parties shall meet and confer in order to properly allocate the financial responsibility for any such costs. However, the District shall have no obligation to deposit additional funds for change order work beyond the **\$150,000** maximum unless the parties mutually agree to such an arrangement. In the event that District fails to deposit said funds up to the **\$150,000** maximum, City may elect to terminate the Signal Project for convenience or provide additional funds to pay for the change order work necessary to complete the Signal Project.
  - e. Allow the City to withdraw funds for all construction expenses, including change orders and Administrative Costs incurred by City pursuant to this MOU, up to the amount deposited by District in the Designated Fund.

3. General Conditions

- a. The parties shall comply with all federal, state, and local laws and ordinances applicable to the work to be performed under the terms of this Signal Project MOU.
- b. Administration of this Signal Project MOU is under the jurisdiction of the City Manager as to the City's interest herein and any communication of the terms or conditions or any changes thereto.
- c. This Signal Project MOU shall be effective on and from the date signed by the parties hereto.
- d. Notices required or permitted pursuant to this Signal Project MOU shall be sufficiently given in writing and either served personally or mailed by certified mail; however, invoices, payments, and other communications according to this MOU may be served by first class U.S. mail to:

Del Mar Union School District  
225 Ninth Street  
Del Mar, CA 92014-2716

City of San Diego, Engineering and Capital Projects  
Attention: Department Director, Patti Boekamp  
202 "C" Street  
San Diego, CA 92101

or such other person and address as either party shall advise the other, in writing, in conformity with this section.

- e. In the event of litigation with respect to this MOU or the interpretation thereof, and in respect to all disputes or controversies arising hereunder, this MOU shall be construed in accordance with, and governed by, the laws of the State of California. Venue in respect to any suit or proceeding brought under or in connection with this MOU shall be the County of San Diego, State of California.
- f. This MOU and all rights and obligations contained herein shall be in effect whether or not either of the parties to this MOU have been succeeded by another entity, and all rights and obligations of the parties signing this MOU shall be vested and binding on their successor of interest.
- g. No failure of either the District or the City to insist on strict performance by the other of any covenant, agreement, term, or condition of this MOU or to

exercise any right or remedy consequent of a breach thereof, shall constitute a waiver of any such breach or of such covenant, agreement, term, or condition. No waiver of any breach shall affect or alter this MOU, but each and every covenant, agreement, term and condition of this MOU shall continue in full force and effect without respect to any other existing or subsequent breach.

- h. This MOU represents the entire understanding of the District and the City as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered herein. This MOU may not be modified or altered except in writing signed by both parties.
- i. In the event suit is brought upon this MOU to enforce its terms, the prevailing party shall be entitled to the cost of said suit and a reasonable sum as attorney's fees from the losing party.
- j. The District agrees to defend, indemnify, protect, and hold the City and its agents, officers and employees harmless from any and all claims asserted or liability established for damages or injuries to any person or property, including injury to the City's employees, agents, or officers, which arise from or are connected with or are caused or claimed to be caused solely by the negligence or willful misconduct of the District and its contract agents, officers, or employees resulting from the construction of the Signal Project and all expenses of investigating and defending against same.
- k. The City agrees to defend, indemnify, protect, and hold the District and its agents, officers and employees harmless from any and all claims asserted or liability established for damages or injuries to any person or property, including injury to the District's employees, agents, or officers, which arise from or are connected with or are caused or claimed to be caused solely by the negligence or willful misconduct of the City and its contract agents, officers, or employees resulting from the construction of the Signal Project and all expenses of investigating and defending against same.

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CITY OF SAN DIEGO/DEL MAR UNIFIED SCHOOL DISTRICT  
SYCAMORE RIDGE PEDESTRIAN SIGNAL MOU

IN WITNESS WHEREOF, this MOU is executed by the District, acting by and through the Superintendent, and by the City, acting by and through the Mayor, pursuant to Resolution No. R-302767 of the City Council, authorizing the City's agreement with the terms and conditions of this MOU.

DEL MAR UNION SCHOOL DISTRICT

BY Thomas F. Bishop

CITY OF SAN DIEGO

BY Rick Reynolds  
Rick Reynolds

I HEREBY APPROVE the form and legality of the foregoing terms and conditions of this MOU on this 20 day of July, 2006, 2007

MICHAEL J. AGUIRRE, City Attorney  
BY:

Timothy J. Miller  
TIMOTHY J. MILLER, Deputy City Attorney

TKD\323698.1

RESOLUTION NUMBER R- 302767

DATE OF FINAL PASSAGE JUN 29 2007

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE DEL MAR UNION SCHOOL DISTRICT; ACCEPTING A CONTRIBUTION OF \$120,000 FROM DEL MAR UNION SCHOOL DISTRICT; INCREASING CIP 68-010.0; AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR A TRAFFIC SIGNAL AT SYCAMORE RIDGE ELEMENTARY SCHOOL.

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Mayor or his designee is authorized to execute, for and on behalf of the City, a Memorandum of Understanding with the Del Mar Union School District for the installation of a traffic signal on Old Carmel Valley Road at Sycamore Ridge Elementary School, under the terms and conditions set forth in the Memorandum of Understanding, on file in the office of the City Clerk as Document No. RR- 302767.
2. That in accordance with the annual appropriation ordinance, the City Auditor and Comptroller is authorized and directed to amend the Fiscal Year 2007 Capital Improvement Program budget to increase CIP 68-010.0, Traffic Signals-Citywide, by the amount of \$120,000.
3. That the City Auditor and Comptroller is authorized to accept the contribution of \$120,000 from the Del Mar Union School District for the above traffic signal and to deposit it in Fund No. 63022, Private and Developer Contributions to CIP, CIP 68-010.0, Traffic Signals-Citywide.
4. That the expenditure of an amount not to exceed \$120,000 from Fund No. 63022, Private Developer Contributions to CIP, CIP 68-010.0, Traffic Signals-Citywide, is authorized, solely and exclusively to provide funds for the traffic signal on Old Carmel Valley Road at

Passed by the Council of The City of San Diego on JUN 26 2007, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 29 2007.

AUTHENTICATED BY:

JERRY SANDERS  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 302767