

ORDINANCE NUMBER O- 20183 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 20 2012

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE GRANT APPLICATION
SUBMITTAL AND ALL RELATED ACTIONS FOR THE
LOS PEÑASQUITOS CANYON PRESERVE SOUTH TRAIL
RESTORATION.

WHEREAS, on November 7, 2006, California voters passed Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006; and

WHEREAS, the California River Parkways Grant Program, which is funded by Proposition 84 will award grants on a competitive basis for the protection and conservation of natural resources, and to work towards sustainability by investing in projects that improve air and water quality, promote public health, and encourage infill and compact development in our communities; and

WHEREAS, the Los Peñasquitos Canyon Preserve South Trail Restoration project (Project) fully meets the intent of the California River Parkways Grant Program by (1) involving natural creeks, streams and/or rivers, even if they flow only during the rainy season, or channelized or culverted creeks, streams, and/or rivers by its proximity to Los Peñasquitos Creek and Lopez Creek; and (2) meeting the required two of five statutory conditions – Habitat and Recreation; and

WHEREAS, the Project will restore one acre of existing path within the Los Peñasquitos floodplain to riparian woodland habitat similar to adjacent habitat at various locations and result

in net improvements to wetland habitats by rerouting portions of the trail that has been informally expanded by users along much of its length; and

WHEREAS, the Los Peñasquitos Canyon Preserve is in need of the work proposed by the Project for the restoration and re-routing of seven miles of the multi-use trail as a result of the degradation of portions of the existing trail and rainfall damage that have led to repeated trail closures;

WHEREAS, this is an opportunity to secure funding to complete the Project; NOW, THEREFORE,

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

Section 1. That the Mayor or his representative is authorized to make an application to the State of California for an amount not to exceed \$824,889 in California River Parkways Grant Program grant funds for the completion of the Project.

Section 2. That the Mayor or his representative is authorized to take all necessary actions to secure funding from the State of California for the completion of the Project.

Section 3. That the Chief Financial Officer is authorized to accept, appropriate and expend funds in an amount not to exceed \$824,889, if grant funding is secured.

Section 4. That the Chief Financial Officer is authorized to establish a special interest bearing account for the grant funds, if required.

Section 5. That the Chief Financial Officer is authorized to add CIP S-13014, Los Peñasquitos Canyon Preserve South Trail Restoration, to the Capital Improvements Program.

Section 6. That the Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP S-13014, Los Peñasquitos Canyon Preserve South Trail

Restoration, an amount not to exceed \$824,889 in CIP No. S-13014 for the purpose of designing, permitting, and constructing the Project, upon receipt of a fully executed grant agreement.

Section 7. That the Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$824,889 from CIP No. S-13014 for the purpose of designing, permitting, and constructing the Project, upon receipt of a fully executed grant agreement and receipt of funds.

Section 8. That the Chief Financial Officer is authorized to transfer appropriations in an amount not to exceed \$156,200 from AGG-00001, Open Space Improvements, within Fund 200109, Environmental Growth Fund 2/3, to CIP S-13014, Los Peñasquitos Canyon Preserve South Trail Restoration.

Section 9. That the Chief Financial Officer is authorized to expend an amount not to exceed \$156,200 from CIP S-13014, Los Peñasquitos Canyon Preserve South Trail Restoration, Fund 200109, Environmental Growth Fund 2/3, for the purpose of funding grant match requirements.

Section 10. That the City certifies that it understands the assurances and certification in the application.

Section 11. That the City certifies it will have sufficient funds to operate and maintain the Project consistent with the land tenure requirements, or will secure the resources to do so.

Section 12. That the City certifies it will comply with all provisions of California Labor Code Section 1771.5, pursuant to Resolution R-298185.

Section 13. That the City certifies, if applicable, the Project will comply with any laws and regulations including, but not limited to, the California Environmental Quality Act (CEQA),

legal requirements for building codes, health and safety codes, disabled access laws, and that prior to commencement of construction, all applicable permits will have been obtained.

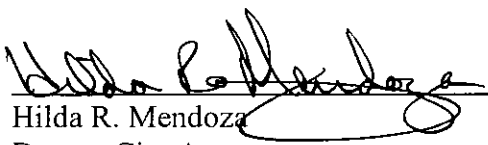
Section 14. That the City certifies it will work towards the State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code section 65041.1.

Section 15. That the Mayor or his delegated representative is authorized to conduct all negotiations, sign and submit all documents, including but not limited to, applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Project.

Section 16. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 17. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Hilda R. Mendoza
Deputy City Attorney.

HRM:hm:als
05/31/2012
Or.Dept:Park & Rec.
Doc. No. 332216

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 10 2012.

ELIZABETH S. MALAND
City Clerk

By *Mary Zumaeta*
Deputy City Clerk

Approved: 7.20.12
(date)

JS
JERRY SANDERS, Mayor

Vetoed: _____

(date) JERRY SANDERS, Mayor