

RESOLUTION NUMBER R- 308189

DATE OF FINAL PASSAGE MAY 16 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING A MEMORANDUM OF  
AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF  
PARKS AND RECREATION FOR LOS PEÑASQUITOS  
LAGOON INLET MAINTENANCE.

WHEREAS, the Los Peñasquitos Lagoon (Lagoon) is impaired by increases in sediments, fresh water, and impediments to tidal flows, that when combined with frequent and extended inlet closings, have resulted in poor water quality and the reduction of habitat for plants and animals; and

WHEREAS, on June 13, 2012, the San Diego Regional Water Quality Board adopted a Basin Plan amendment to incorporate a Total Maximum Daily Load (TMDL) for sediment in the Lagoon, which names the City as a responsible party based on sediment discharge from the City's municipal separate storm sewer system, and which lists Lagoon sediment remediation and maintenance of the Lagoon inlet as potential implementation actions to restore the Lagoon; and

WHEREAS, on February 10, 2010, the San Diego Regional Water Quality Board adopted a Basin Plan amendment to incorporate a TMDL for indicator bacteria that covers the Lagoon and other areas, which names the City as a responsible party based on discharge from the City's municipal separate storm sewer system; and

WHEREAS, mechanical opening of the Lagoon inlet would further the City's effort in meeting the requirements of the TMDLs by increasing salt water flow into the Lagoon, because increased salinity in the Lagoon is necessary to support an increase in saltwater-dependent habitat and reduces indicator bacteria; and

WHEREAS, the California Department of Parks and Recreation (State Parks) and the City desire to collaborate on the mechanical opening of the Lagoon inlet in Calendar Years 2013-2014 through a Memorandum of Agreement (MOA); and

WHEREAS, pursuant to San Diego Municipal Code (SDMC) section 22.3210, this MOA is in the public interest and furthers the specific public policy of improving the beneficial uses of the Lagoon and achieving the Lagoon restoration targets in the sediment TMDL; and

WHEREAS, this MOA will not involve the use of City forces in excess of \$100,000 pursuant to SDMC section 22.3105; and

WHEREAS, State Parks is a qualified public agency, as defined by SDMC section 22.3003, and State Parks has expertise, experience, and personnel necessary to provide services in accordance with this MOA; and

WHEREAS, State Parks has requested waiver of Council Policies 100-04 (Americans With Disabilities Act/City Contractors) and 100-07 (Drug-Free Workplace/City Contractors) because the State of California has such programs in effect and those programs are consistent with applicable state and federal laws and regulations; and

WHEREAS, the Natural Resources and Culture Committee recommended approval of this action on July 25, 2012; NOW, THEREFORE,

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

1. That the Mayor, or his designee, is authorized and directed to execute a Memorandum of Agreement with the California Department of Parks and Recreation, for the purpose of using City forces to perform the scope of work of restoring the natural tidal movement through the Los Peñasquitos Lagoon inlet, under the terms and conditions set forth in

the Memorandum of Agreement on file in the Office of the City Clerk as Document No.

RR- 308189

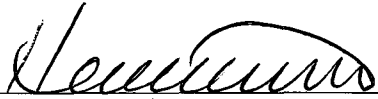
2. That the Chief Financial Officer is authorized to expend funds in an amount not to exceed \$80,000 from the Transportation & Storm Water Department, Fiscal Year 2013 (FY2013) General Fund (100000), for the Los Peñasquitos Lagoon Mouth Opening.

3. That the Chief Financial Officer is authorized to expend funds in an amount not to exceed \$80,000 from the Transportation & Storm Water Department, Fiscal Year 2014 (FY2014) General Fund (100000), for the Los Peñasquitos Lagoon Mouth Opening, contingent upon Council adoption of the FY2014 Appropriations Ordinance and contingent upon the Chief Financial Officer certifying that funds are available.

4. That Council Policy 100-04 is waived to allow approval of the Memorandum of Agreement without standard City provisions regarding compliance with the Americans With Disabilities Act.

5. That Council Policy 100-07 is waived to allow approval of the Memorandum of Agreement without standard City provisions regarding drug-free workplace requirements.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Heather L. Stroud  
Deputy City Attorney

HLS:cw  
05/07/13  
05/13/13 COR. COPY  
Or.Dept:Transportation & Storm Water Dept.  
Doc. No.: 556909\_3

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 14 2013.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 5/16/13  
(date)

  
BOB FILNER, Mayor

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

\_\_\_\_\_  
BOB FILNER, Mayor

MAY 14 2013

Passed by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<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"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 4 (Vacant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

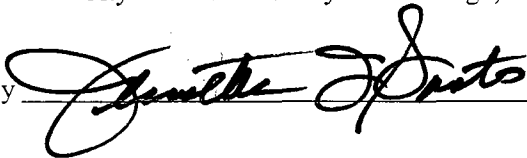
Date of final passage MAY 16 2013

AUTHENTICATED BY:

BOB FILNER  
Mayor of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California
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