

ORDINANCE NUMBER O- 21544 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 06 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR OR DESIGNEE TO APPLY FOR AND ENTER INTO A GRANT AGREEMENT, AND TO ACCEPT, APPROPRIATE AND EXPEND GRANT FUNDS FROM THE CALIFORNIA NATURAL RESOURCES AGENCY FOR THE CONSTRUCTION OF THE NORMAL STREET PROMENADE AND RELATED ACTIONS.

WHEREAS, in June 2019, the City of San Diego (City) signed a memorandum of understanding (MOU) with the San Diego Association of Governments (SANDAG) to provide coordination and design services for the development of the Normal Street Promenade Project (Project); and

WHEREAS, the Legislature and Governor of the State of California have approved a grant to the City for the Project shown above in the amount of \$1.2 million for pedestrian, public space and storm water facility improvements; and

WHEREAS, the California Natural Resources Agency (CNRA) has been delegated the responsibility for the administration of the grant project and setting up necessary procedures; and

WHEREAS, said procedures established by the CNRA require the City, as Grantee, to certify by ordinance or resolution the approval of the Project Information Package before submission of said package to the State; and

WHEREAS, in 2021, the CNRA awarded the City a General Fund 21/22 fiscal year allocation in the amount of \$1.2 million for pedestrian, public space, and storm water facility improvements to the Normal Street Promenade Project; and

WHEREAS, the Project is part of the Eastern Hillcrest bikeway project and is currently completing final permitting with Engineering and Capital Projects; and

WHEREAS, the City is responsible for approximately \$8.2 million of the \$16 million total estimated Project construction costs; and

WHEREAS, the CNRA grant agreement requires the City to maintain the improvements that are funded by the \$1.2 million allocation for a period of 25 years; and

WHEREAS, the City will utilize the \$1.2 million allocation for standard City construction that will receive the City's standard level of maintenance; and

WHEREAS, this action requests the Council of the City of San Diego (City Council) to authorize the Mayor or his designee to apply for and enter into a grant agreement and to accept, appropriate, and expend \$1.2 million in grant funding for the Normal Street Promenade to support the Project's construction phase; and

WHEREAS, under San Diego Charter section 99, a supermajority vote of the City Council is required for passage of this ordinance; and

WHEREAS, the Office of the City Attorney has drafted 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, true, and accurate; NOW, THEREFORE,

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

Section 1. The Mayor or his designee is authorized to take all necessary actions to make applications to the California Natural Resources Agency, to secure CNRA General Fund 21/22 Fiscal Year allocation grant funding in an amount not to exceed \$1.2 million for the Normal Street Promenade Project, and to execute a grant agreement with the CNRA to support the construction phase of the Project.

Section 2. The Chief Financial Officer is authorized to accept, appropriate, and expend CNRA general fund grant funding in an amount not to exceed \$1.2 million for the Normal Street Promenade Project, contingent upon receipt of a fully executed grant agreement.

Section 3. The Chief Financial Officer is authorized to establish a special interest-bearing account for the grant, if required.

Section 4. The Chief Financial Officer is authorized to increase the Capital Improvement Program Budget in CIP AIL00001 - Traffic Calming (B19096 - Normal Street Promenade), and to appropriate and expend an amount not to exceed \$1.2 million within Fund 600001, State Grant Fund.

Section 5. The City understands the assurances and certification in the Project Information Form, which the CNRA requires the City to provide to apply for the grant funding.

Section 6. The City will have sufficient funds to develop, operate, and maintain the Project consistent with the land tenure requirements, or will secure to do so.

Section 7. The City will comply with the provisions of Section 1771.5 of the California Labor Code.

Section 8. The Project will comply with any laws and regulation including, but not limited to, the California Environmental Quality Act (CEQA), legal requirements for building codes, health and safety codes, disabled access laws, environmental laws and, that prior to commencement of construction, all applicable licenses and permits will have been obtained.

Section 9. The City has reviewed and understands the General Provisions contained in the Project Agreement shown in the Procedural Guide.

Section 10. The Mayor, or his designee, has the authority to conduct all negotiations, execute and submit all documents including, but not limited to, Project Information Form, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project.

Section 11. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the City Council and the public prior to the day of its passage.

Section 12. 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 /s/ Cassandra E. Mougin  
Cassandra E. Mougin  
Deputy City Attorney

CEM:cc  
June 7, 2022  
Or.Dept: Transportation  
Doc. No. 2999391

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 03 2022.

ELIZABETH S. MALAND  
City Clerk

By [Signature]  
Deputy City Clerk

Approved: 10/5/22  
(date)

[Signature]  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

(NOTE: The date of final passage is October 6, 2022 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 OCT 03 2022, 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 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"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 OCT 06 2022.

AUTHENTICATED BY:

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

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By [Signature], 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

SEP 13 2022, and on OCT 06 2022.

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)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By [Signature], Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- 21548