



City Council Staff Report

DATE: January 14, 2021

CONSENT CALENDAR

SUBJECT: APPROPRIATION OF QUIMBY ACT PARK FEES AS THE CITY'S LOCAL MATCH FOR THE LAND AND WATER CONSERVATION FUND GRANT FOR THE DEMUTH DOG PARK PROJECT

FROM: David H. Ready, City Manager

BY: Marcus L. Fuller, Assistant City Manager

SUMMARY

On January 20, 2020, the City Council adopted Resolution No. 24717 approving the City's submittal of an application for Land and Water Conservation Fund (LWCF) grant for design and construction of a new Dog Park at Demuth Park. The City's application was one of the very few applications selected for funding statewide – and will provide the City with a 50% grant award in the amount of \$1,650,235. Prior to formally awarding the City the LWCF grant, the state has requested the City to reconfirm its local match. Staff recommends the City Council confirm the local match of \$1,650,235 by appropriating this amount from available Quimby Act Fees over a 2-year period.

RECOMMENDATION:

1. Confirm the City's availability of funds for its 50% local match to the LWCF grant for the Demuth Dog Park Project in the amount of \$1,650,235;
2. Amend the Fiscal Year 2020/2021 Budget to appropriate an additional \$409,250 from Fund Balance in the Quimby Act Fee Fund (Fund 152);
3. Amend the Fiscal Year 2020/2021 Budget to appropriate \$798,270 of Quimby Act Funds for the Demuth Dog Park Project; and
4. Include an appropriation of \$650,000 of Quimby Act Funds and \$202,000 in Measure J Capital Funds in the Fiscal Year 2021/2022 Budget for the Demuth Dog Park Project.

ITEM NO. 1.D

BACKGROUND:

On January 20, 2020, the City Council adopted Resolution No. 24717 approving the City's submittal of an application for Land and Water Conservation Fund (LWCF) grant for design and construction of a new Dog Park at Demuth Park. A copy of the related staff report is included as **Attachment 1**.

Staff presented a proposed new dog park at Demuth Park with a total cost of \$3,300,470 requiring a 50% local match of \$1,650,235. At that time (pre-COVID) Staff suggested using available Measure J Capital Funds for the required local match, stating:

The City will have to appropriate \$1.65 million in local funds (presumably Measure J Funds) in the 2020/21 fiscal year budget for this purpose. The Measure J Commission is currently considering various parks and recreational projects, including new dog parks. The Measure J Capital Fund currently has a balance of \$4.3 million in unexpended "carry over" funds from prior fiscal years yet to be appropriated, and there is an anticipated budget of \$8.1 million in new funding to be allocated in the 2020/21 fiscal year.

The landscape has significantly changed with regard to Measure J Capital Funds as a result of the COVID-19 pandemic, and the City Council may need to consider alternatives if the City is to commit local funds for the 50% required match to secure the \$1,650,235 LWCF grant for the new dog park at Demuth Park.

STAFF ANALYSIS:

On August 5, 2020, the California Department of Parks and Recreation – Office of Grants and Local Services advised Staff that the Demuth Dog Park Project was recommended for funding to the National Parks Service. The LWCF grant is made available with federal funds allocated by the National Parks Service to California, and a limited number of projects are selected for funding statewide.

Staff does not know how many projects have been selected for funding in the latest LWCF grant process, but noted in the prior staff report that in the 2018/2019 LWCF grant cycle the state received 68 applications requesting \$80 million in funding, and of those 68 applications 7 projects were recommended to the National Parks Service to award \$11.3 million in LWCF grants. It is expected that a similar number of applications were received by the state with a limited number of those selected for award.

Following the state's notification that the City's application had been recommended for award to the National Park Service, a final step in the application process is required to complete a cultural review in accordance with federal environmental requirements given the source of federal

funding. The state has taken the responsibility to coordinate the cultural review to comply with the federal environmental process – requiring the City to provide the necessary cultural information related to the proposed site of the Demuth Dog Park Project.

On July 23, 2020, the City Council approved an amendment to the City's agreement with the City's grant coordinator – MVR Consulting – in the amount of \$10,980 to prepare the necessary cultural documentation to submit to the state for its completion of the federal environmental process. This work has been completed and is pending the state's final action.

Recently, the state contacted Staff to confirm the City's commitment of local match funds – particularly in light of the loss of any funding sources. Based on this fact, Staff is presenting this formal action for City Council consideration, and recommends the City Council commit the 50% local match by using its available Quimby Act Funds – these fees are restricted for use in developing new or expanding recreational amenities in existing parks – and cannot be used for any other purpose.

ENVIRONMENTAL IMPACT:

Section 21084 of the California Public Resources Code requires Guidelines for Implementation of the California Environmental Quality Act ("CEQA"). The Guidelines are required to include a list of classes of projects which have been determined not to have a significant effect on the environment and which are exempt from the provisions of CEQA. In response to that mandate, the Secretary for Resources identified classes of projects that do not have a significant effect on the environment, and are declared to be categorically exempt from the requirement for the preparation of environmental documents. In accordance with Section 15301 "Existing Facilities," Class 1 projects consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures, facilities, mechanical equipment or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Therefore, in accordance with Section 15301(c), staff determined that construction of the Demuth Dog Park Project is considered categorically exempt from CEQA, and a Notice of Exemption was filed on January 28, 2020.

FISCAL IMPACT:

The LWCF allows for an application of up to \$6 million per application, with up to 50% match funding. The overall estimate for the Demuth Dog Park Project is \$3,300,470 and includes planning, design, and construction phase costs, as shown on the Table on the next page.

Table of Project Costs

Pre-Award Project Planning Costs	
Development	\$ 44,960.00
Administration	\$ 17,390.00
CEQA/NEPA Environmental Review	\$ 3,140.00
Section 106 Preparation Costs	\$ 10,980.00
Initial Conceptual Plan	
David Volz Design	\$ 14,000.00
Final Design	
(Landscape Architect Contract – TBD)	\$ 400,000.00
Construction Estimate	
Small Dog Park	\$ 360,000.00
Large Dog Park	\$1,800,000.00
Parking Lot	\$ 450,000.00
Construction Inspection/Admin.	
(Owner’s Rep Services – TBD)	\$ 200,000.00
Total Estimated Project Cost	\$ 3,300,470.00

The City’s application for LWCF grant funding has been reviewed favorably by the California Department of Parks and Recreation – Office of Grants and Local Services, and award of the grant to the City is pending National Parks Service approval which is only subject to the state’s completion of the federal environmental cultural study of the project site. The state has requested that the City confirm availability of local funds for the 50% match of \$1,650,235.

Staff recommends the City Council confirm the 50% local match using the City’s restricted Quimby Act Funds that are collected on building permits for residential development as an in-lieu developer fee for construction of new or expanded parks. Quimby Act Funds cannot be used for any other purpose.

The Quimby Act Fund (Fund 152) collects these revenues in a separate Fund. The Fiscal Year 2020/2021 Budget included estimated Quimby Act Fund revenue of \$650,000 and carryover balance of \$3,360,956 from prior years appropriated for the Downtown Park for a total budget of \$4,010,956. The City Council authorized an expenditure of \$10,980 from the Quimby Act Funds for completion of the Section 106 federal cultural study required by the state for the Demuth Dog Park Project, leaving a balance of \$639,020 for unspecified park projects.

Recently, on September 24, 2020, the City Council approved an appropriation of \$250,000 from the Quimby Act Fund for construction of new restrooms at Desert Highland Park leaving a balance of \$389,020 for unspecified park projects.

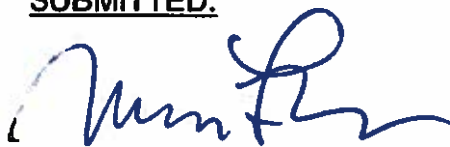
In reviewing the Quimby Act Fund, Staff has identified an additional balance of \$409,250 in revenue that has not yet been appropriated into the Quimby Act Fund. Staff recommends the City Council amend the Fiscal Year 2020/2021 Budget to officially appropriate this balance into the Quimby Act Fund for expenditure, increasing the amount appropriated and available for expenditure to \$798,270 for the Demuth Dog Park Project.

Staff anticipates that the Demuth Dog Park Project will require two years to complete, with the first year related to the design phase and the second year related to the construction phase. In this way, the full 50% local match of \$1,650,235 can be appropriated over a two-year budget cycle.


Looking towards the next Fiscal Year 2021/2022 budget, Staff will estimate Quimby Act Fund revenue at \$650,000 and recommends this revenue be appropriated for the Demuth Dog Park Project, increasing the total appropriation for the Demuth Dog Park Project to \$1,448,270 – short of the 50% required local match of \$1,650,235 – leaving a balance of \$201,965 to be appropriated from another local source. At this time, Staff recommends the City Council consider appropriating \$202,000 from the Measure J Capital Fund as part of the Fiscal Year 2021/2022 Budget for the Demuth Dog Park Project to fully fund the 50% required local match.

Alternatively, the 50% local match may be appropriated from unrestricted General Fund balance, or the City Council can choose to not accept the LWCF grant and not proceed with the Demuth Dog Park Project at this time.

SUBMITTED:



Marcus Fuller, PE, PLS, MPA
Assistant City Manager



David H. Ready, Esq., Ph.D.
City Manager

Attachments:

- 1. January 30, 2020, City Council staff report

ATTACHMENT 1



City Council Staff Report

DATE: January 30, 2020 NEW BUSINESS

SUBJECT: ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN APPLICATION FOR LAND AND WATER CONSERVATION FUND GRANT FUNDS FOR THE DEMUTH DOG PARK PROJECT.

FROM: David H. Ready, City Manager

BY: Marcus L. Fuller, Assistant City Manager/City Engineer
Cynthia Alvarado, Director of Parks & Recreation

SUMMARY

The Federal Land and Water Conservation Fund (LWCF) grant provides funding for the acquisition or development of land to create new outdoor recreation opportunities for the health and wellness of Californians. This item will adopt a resolution authorizing and approving an application for LWCF grant funds to construct a new large and small dog park at Demuth Park, (the "Demuth Dog Park Project"). Adoption of the resolution is a requirement to submit the application by the deadline of February 3, 2020.

RECOMMENDATION:

1. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUND GRANT FUNDS FOR DEMUTH DOG PARK PROJECT;"
and
2. Authorize the City Manager to execute all documents.

ITEM NO. New Business 5B

BACKGROUND:

Land and Water Conservation Fund

The LWCF was established by Congress in 1964 to ensure public access to outdoor recreation resources for present and future generations, and to provide money to federal, state and local governments to purchase land, water and wetlands for the benefit of all Americans. Funds are also used to permanently conserve outdoor recreation areas for public use and enjoyment. The funds enable state and local governments to improve parks and other recreation areas in their communities by rehabilitating and upgrading existing parks, creating brand new parks in places that have none, and developing and expanding trail systems to link communities together and create recreation opportunities.

Since the inception of the LWCF, more than \$4.4 billion has been made available to state and local governments to fund more than 43,000 projects throughout the nation.

California State Parks' Office of Grants and Local Services (OGALS) administers the LWCF at the state level and works with National Park Service (NPS), which administers the program at the federal level. Additionally, OGALS develops grant programs to provide funding for local, state and nonprofit organization projects. Since 1964, more than 7,400 local parks throughout California have been created or improved through OGALS' grant funding. Since 2000, OGALS has administered approximately \$3 billion in grant funding throughout California.

California State Parks 2018/2019 cycle received 68 applications requesting \$80 million in funding, and of those 68 applications 7 projects were recommended to the National Parks Service to award \$11.3 million in Land and Water Conservation Funding. The LWCF program states that once the project is complete, the recreational park land within the approved project (to be defined by a "Section 6(f)(3) boundary map") is considered under federal protection to be preserved in perpetuity. This protection helps preserve outdoor recreational use of the site permanently. Thus, the grant will require the City to commit to preserving Demuth Park as an outdoor open recreation area (preventing the City from constructing any *new* indoor recreational areas or facilities).

The City has previously been awarded LWCF program funding for the following projects:

Tahquitz Creek Golf Course Acquisition	\$101,000
Demuth Park Tennis Courts	\$ 44,000
Sunrise Park Swim Center Improvements	\$227,000

On September 5, 2019, U.S. Secretary of the Interior announced \$170,623,713 million in grants from the Land and Water Conservation Fund to all 50 States, five U.S. territories, and the District of Columbia for state-identified outdoor recreation and conservation projects. Through LWCF,

California State Parks' Office solicited projects to be fund for its apportionment of \$14,564,940. LWCF offers up to fifty percent (50%) funding match on awarded projects. A copy of the grant guidelines is included as **Attachment 1**.

Planning efforts for construction of the City's first dog park were initiated in 1998. Subsequently, the dog park was constructed on approximately 1 acre of City land located immediately north of City Hall. The dog park is landscaped primarily with turf, with a variety of trees in and around the perimeter of the site. The type of turf used is a "hybrid Bermuda" grass, which is a very common type of grass that is used throughout the Coachella Valley.

However, during the winter months the Bermuda grass will go dormant, turning yellow and appearing dead. Its dormancy period extends generally from September to May, when it starts its growing season again not requiring replanting. Historically, during its dormancy period the City will over-seed the Bermuda grass with an annual Rye which provides a full, dark green turf throughout the winter months, after which it naturally dies off by the summer months due to the higher temperatures.¹

Annual winter Rye grass reseeding of the dog park requires complete closure of the dog park for 4-6 weeks to allow for germination of the Rye grass. In October, the City extended the regularly scheduled annual reseeding closure to address additional maintenance and drainage repairs, due to the high traffic use experienced at the dog park. Throughout the closure of the City Hall dog park, the City has offered the use of a temporary small dog park, and an alternative (interim) large dog park within Demuth Park, as shown below.



¹ Rye grass at the City's dog park does not hold up well to the high-traffic areas and use. Additionally, the shade trees prevent the rye grass from drying out throughout the day (irrigation is at night), leading to areas of moisture and causing muddy areas. Staff is investigating alternative options to rye grass and turf with the Parks & Recreation Commission and various stakeholders and dog park users. A recommendation will be brought forward for Council consideration in the next year, following consensus from these stakeholders and dog park users, and a recommendation from the Parks & Recreation Commission.

Throughout use of the temporary dog park locations users were very vocal in their desire for additional permanent dog parks being established within the City offering similar amenities and features, as in the existing City Hall dog park.

Admittedly, dog park users and stakeholders are not satisfied with the condition of the City Hall dog park, the failure of the rye grass, and other maintenance issues. Staff will continue to evaluate and investigate solutions, including alternative materials, with these stakeholders. Ultimately, improvements to the City Hall dog park will also be recommended for implementation separate from, but in parallel with, the proposed new dog parks.

Grant Assistance

In January 2019, staff solicited consultants to provide the City with assistance on a variety of state and federal grant programs

Staff received proposals from California Consulting and MVR Consulting (MVR); staff reviewed the proposals and selected MVR as the most qualified consultant to assist the City with coordinating the grant application processes. MVR has had local success with park grant applications, noting that she coordinated and wrote San Bernardino's \$5 million Proposition 84 SPP Grant for Bryce E. Haynes Park, Cathedral City's \$5 million Prop 84 SPP Grant for Ocotillo Park, and Cathedral City's \$3.3 million Land Water and Conservation Fund (LWCF) State Parks Grant for its Community Amphitheater.

STAFF ANALYSIS:

In consultation with MVR, staff recommends the City prepare and submit an application to construct new permanent small and large dog parks within Demuth Park, for consideration in the LWCF program.

The application requires that the City provide a conceptual plan of the proposed improvements to be funded with the LWCF funds. Staff selected one of its on-call landscape architects (David Volz Design (DVD), to prepare an initial concept plan ***for public discussion purposes only***, and to serve as the basis for the City's LWCF application (to show the general scope of the proposed project). DVD was selected by staff to prepare the concept plan, as DVD was involved with and prepared the plans for the reconstruction of the City Hall dog park in 2016.

Staff evaluated areas in Demuth Park that are unused or underutilized, and selected an area proposed for a new small dog park as the prior sand volleyball courts within Demuth Park shown here:

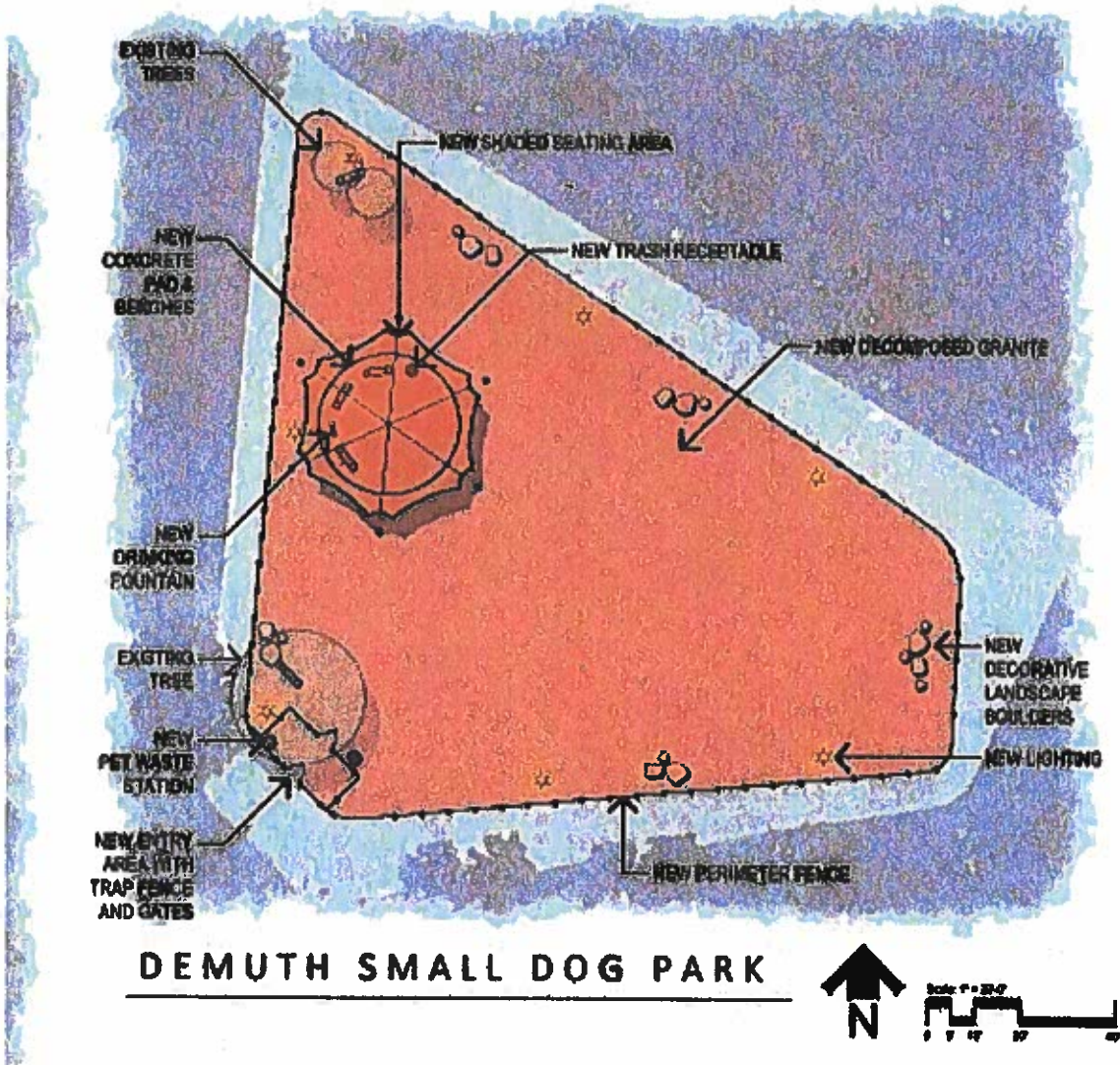


Proposed Area for Small Dog Park



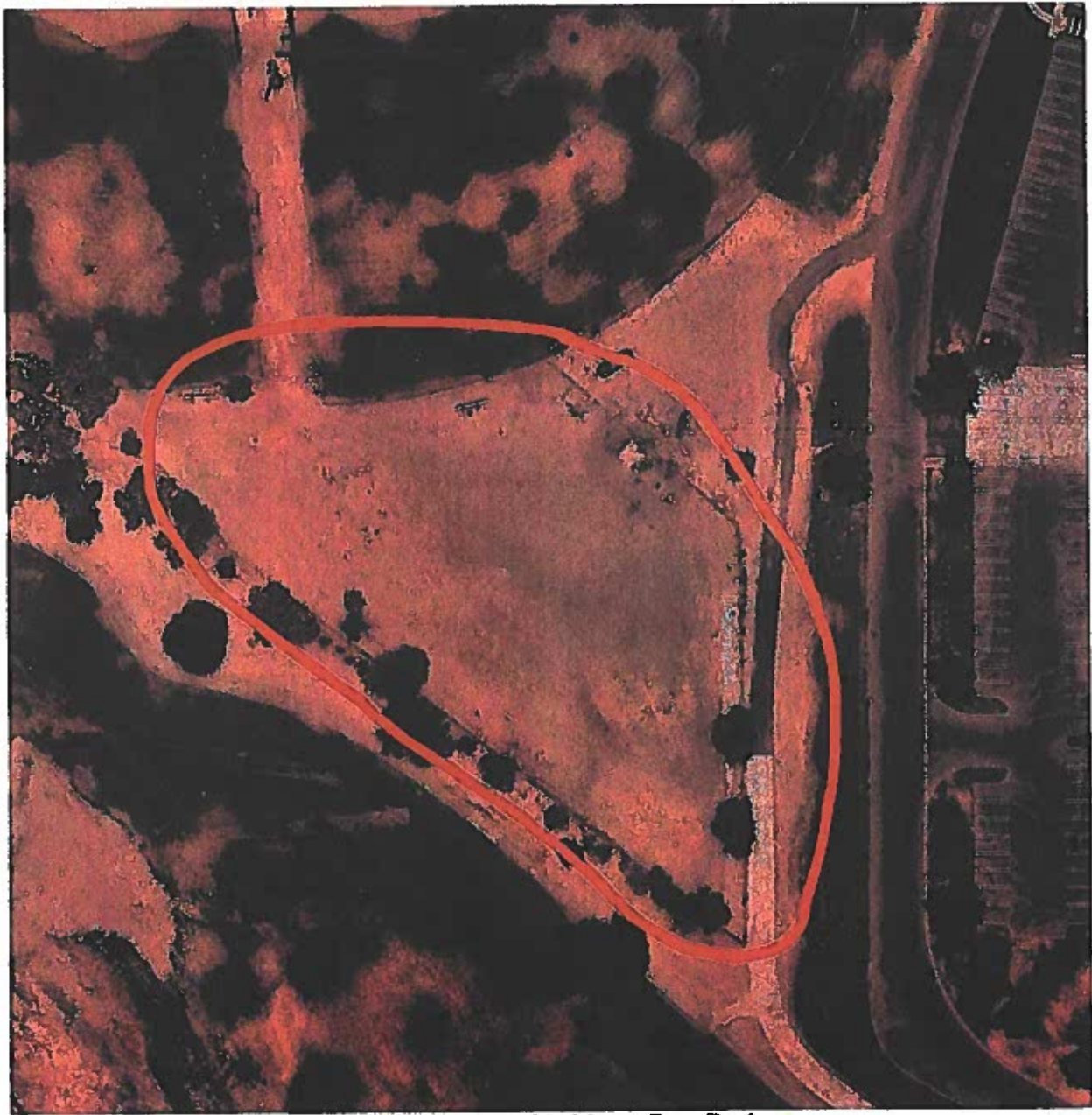
Proposed Area for Small Dog Park

The initial concept plan (for discussion purposes only) for the proposed small dog park is shown here:



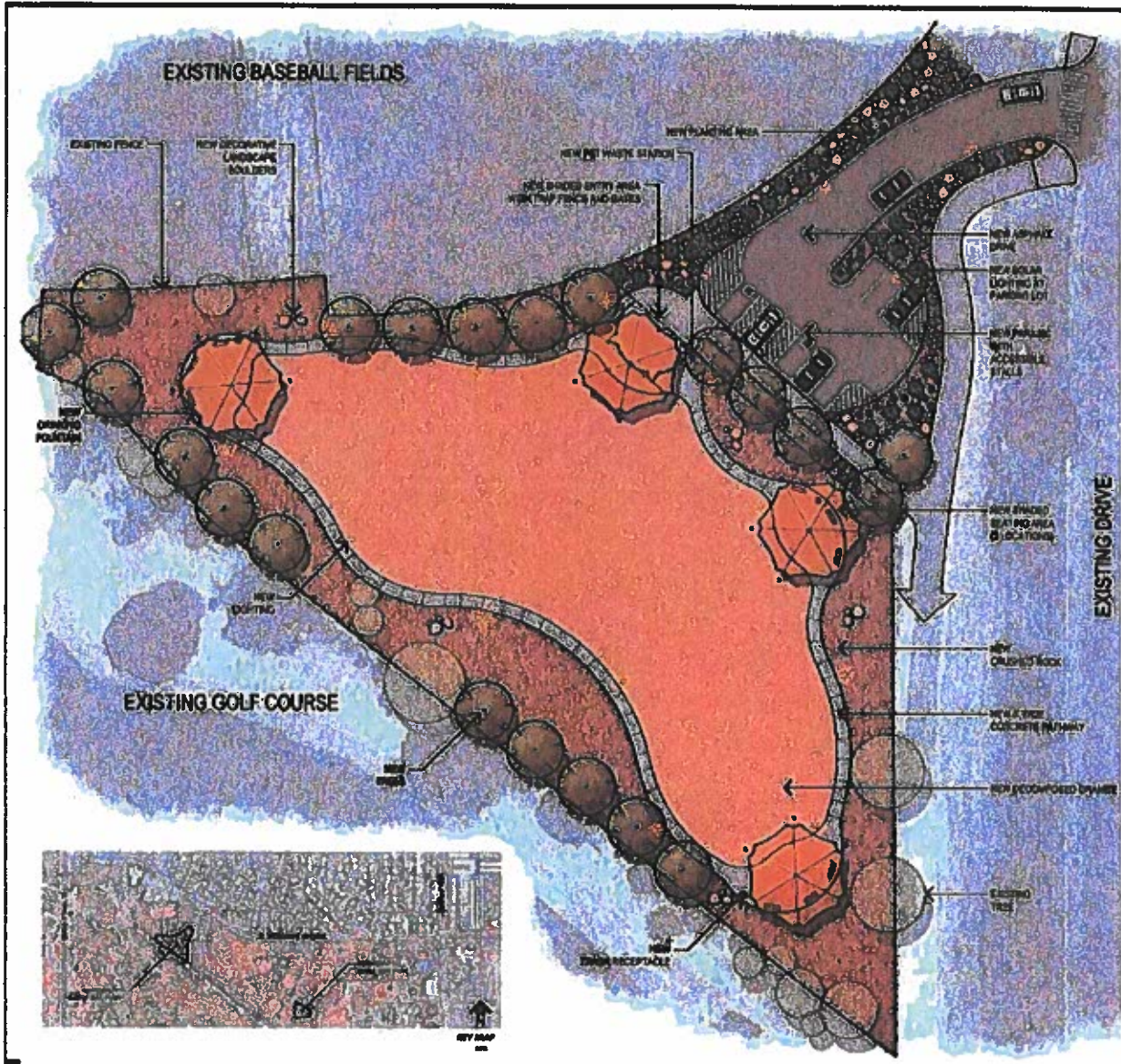
As shown, the initial concept provides perimeter fencing, lighting, shade seating, drinking fountain, pet waste station, minimal landscaping, and proposed decomposed granite paving in lieu of turf. Access is provided by ADA accessible walking paths from the parking lots.

The proposed area for the large dog park is the current location of the interim dog park provided near the softball fields, at the location of the abandoned batting cages (since demolished), shown here.



Proposed Area for Large Dog Park

The initial concept plan (for discussion purposes only) for the proposed small dog park is shown here:



As shown, the initial concept provides perimeter fencing, lighting, shade seating, drinking fountain, pet waste station, new landscaping and shade trees, and proposed crushed rock along the exterior of the surrounding walkway, with decomposed granite paving in lieu of turf. Access is provided by a new parking lot with dedicated ADA spaces.

At the November 25, 2019, Parks and Recreation Commission meeting, staff presented the initial concept plans for discussion and community input. Following the initial feedback received at the Parks and Recreation Commission, staff scheduled two community meetings with dog park users and stakeholders. A copy of these concept plans is also included as **Attachment 1**.

The first community meeting was held on December 21, 2019, at 2:00 PM, at the Pavilion, with approximately 40 participants.



Participants were provided with the initial concept plans, and were separated into groups of 6-8 members where the following questions were asked.

1. What we like about other dog parks?
2. What we like about our dog park?
3. What we would like to see improved and how to get there?

The second community meeting was held on January 20, 2020, at 6:00 PM, at the Pavilion, and included 32 participants.



As a result of this first phase of public outreach and review of the initial concept plans, dog park users and stakeholders have raised important questions and requested revisions:

- Relocate small dog park to the parking lot within the large dog park
- Remove decorative outer area landscaping
- Move the walkway closer to the fence line
- Relocate entry shade structures to the center of the park with cluster seating
- Add a sand pit and water feature
- Add Emergency exit near the restrooms
- Add walking path to the small dog park
- Additional water fountains and spigot
- Remove cement dog bone benches
- Additional parking
- Add restrooms, existing are too far away
- Add overhead netting, to protect users from stray baseballs

Staff emphasizes that the requested action at this time does not approve the concept plans for the proposed small or large dog parks in Demuth Park. Staff will continue to coordinate public review of the proposed dog park plans with the community, and to accept and incorporate recommendations from the dog park users and stakeholders, through public review and recommendations by the Parks & Recreation Commission.

Staff has confirmed with MVR that the initial concept plans to be submitted with the LWCF application may be modified during final design, unlike the requirements in the other grant application the City submitted through the Proposition 68 grant for the Whitewater Park (which

required the concept plan to be approved prior to submittal of the application). Refinements to the layout, details, material types, and other elements of the proposed dog parks may occur after submittal of the application, including relocating the small dog park adjacent to the large dog park.

Learning from our experiences at the City Hall dog park, careful evaluation of what works and does not work at other dog parks will be essential to ensure that the new Demuth Park dog parks are successful. Consideration of materials in lieu of turf will be important, including the cost effectiveness of synthetic turf systems, engineered wood fiber products, or other alternatives. Other considerations include the additional elements that improve the experience of both the dog and the dog owner, including obstacle courses or other recreational amenities that are now seen in other dog parks.

The point to the community is this: the initial concept plans are not recommended for approval at this time, and staff welcomes the continued opportunity to solicit further review and revision of the concept plans through the development review process, and ultimately, into the final design process.

In addition to the construction of the large and small dog parks within Demuth Park, the grant application will include completion of the parking lot located north of the softball fields near the Community Center, shown here:



Completion of Softball Field Parking Lot

ENVIRONMENTAL IMPACT:

Section 21084 of the California Public Resources Code requires Guidelines for Implementation of the California Environmental Quality Act ("CEQA"). The Guidelines are required to include a list of classes of projects which have been determined not to have a significant effect on the environment and which are exempt from the provisions of CEQA. In response to that mandate, the Secretary for Resources identified classes of projects that do not have a significant effect on the environment, and are declared to be categorically exempt from the requirement for the preparation of environmental documents. In accordance with Section 15301 "Existing Facilities," Class 1 projects consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures, facilities, mechanical equipment or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Therefore, in accordance with Section 15301(c), staff determined that construction of the proposed improvements to the City's existing Demuth Park is considered categorically exempt from CEQA, and a Notice of Exemption will be filed prior to commencing construction.

FISCAL IMPACT:

Under the City Manager's authority, an agreement was approved with MVR to prepare the LWCF grant application at a cost of \$24,900. This cost is an eligible expense under the LWCF program, and 50% will be reimbursed should the City's grant application be approved.

The LWCF allows for an application of up to \$6 million per application, with up to 50% match funding. The initial construction estimate is approximately \$1,800,000 for the large dog park, \$360,000 for the small dog park, and \$450,000 for completion of the softball field parking lot, for a total estimated construction of \$2,610,000. Additional costs include final design, and construction inspection, for a total project cost estimated at \$3,300,000. If the City's grant application is successful, 50% of the City's incurred pre-award project planning costs are reimbursable pursuant to the LWCF program. Applicable pre-award costs for development projects are identified as: site investigation and selection, site planning, feasibility studies, CEQA/NEPA environmental review, Section 106 preparation costs, preparation of cost estimates, construction drawing and specifications, administration, and legal expenses. The estimated expenditures are identified in the Table on the following page.

Table of Project Costs

Pre-Award Project Planning Costs	
Development	\$ 44,960.00
Administration	\$ 17,390.00
CEQA/NEPA Environmental Review	\$ 3,140.00
Section 106 Preparation Costs	\$ 10,980.00
Initial Conceptual Plan	
David Volz Design	\$ 14,000.00
Final Design	
(Landscape Architect Contract – TBD)	\$ 400,000.00
Construction Estimate	
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Large Dog Park	\$1,800,000.00
Parking Lot	\$ 450,000.00
Construction Inspection/Admin.	
(Owner’s Rep Services – TBD)	\$ 200,000.00
Total Estimated Project Cost	\$ 3,300,470.00

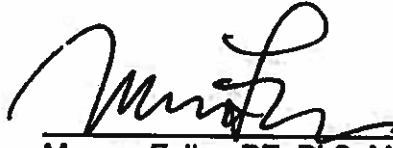
In this case, the initial total estimate is approximately \$3.3 million with the LWCF grant covering 50%. The City will have to appropriate \$1.65 million in local funds (presumably Measure J Funds) in the 2020/21 fiscal year budget for this purpose. The Measure J Commission is currently considering various parks and recreational projects, including new dog parks. The Measure J Capital Fund currently has a balance of \$4.3 million in unexpended “carry over” funds from prior fiscal years yet to be appropriated, and there is an anticipated budget of \$8.1 million in new funding to be allocated in the 2020/21 fiscal year.

Upon submission of the LWCF grant, the state will review all applications and identify those for award in May/June 2020. Subsequently, grant agreements will be submitted for City approval in the fall. Commitments of funding will occur if and when the City receives notification that it has received approval of its grant application.

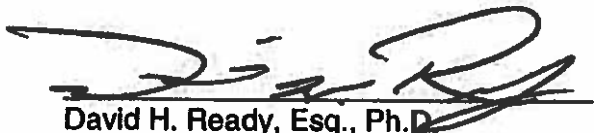
SUBMITTED:



Cynthia Alvarado
Director, Department of Parks and Recreation



Marcus Fuller, PE, PLS, MPA
Assistant City Manager/City Engineer

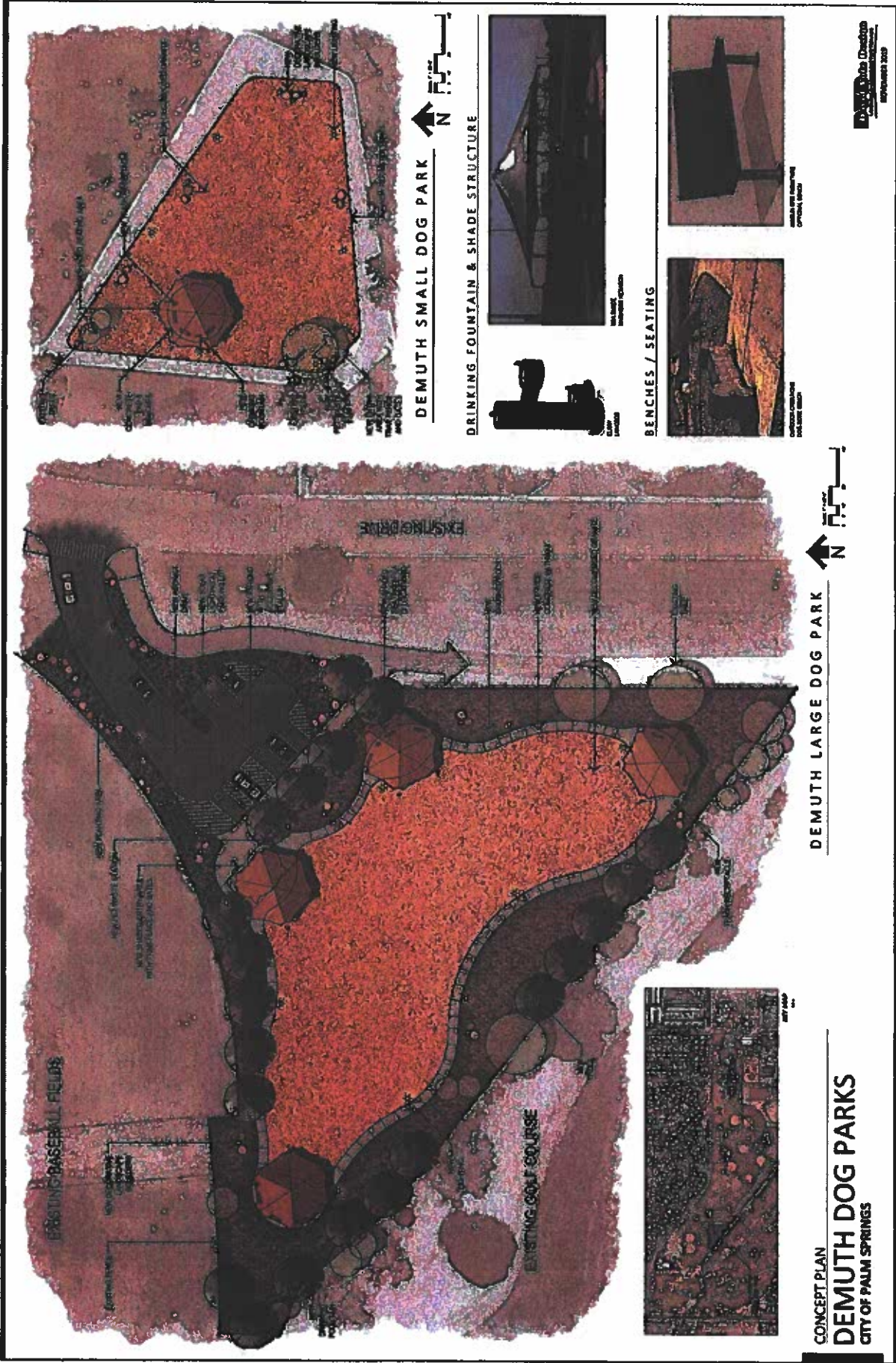


David H. Ready, Esq., Ph.D.
City Manager

Attachments:

1. Conceptual Design Plan and Construction Estimate
2. Resolution

ATTACHMENT 1



CONCEPT PLAN
DEMUTH DOG PARKS
 CITY OF PALM SPRINGS

DEMUTH LARGE DOG PARK

DEMUTH SMALL DOG PARK

DRINKING FOUNTAIN & SHADE STRUCTURE

BENCHES / SEATING

ATTACHMENT 2

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUND GRANT FUNDS FOR THE DEMUTH DOG PARK PROJECT

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a federal Land and Water Conservation Fund Grant-In-Aid program, providing Matching funds to the State of California and its political subdivisions for acquiring lands and developing Facilities for public outdoor recreation purposes; and

WHEREAS, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing Applications by local agencies under the program; and

WHEREAS, the Applicant certifies by resolution the approval of the Application and the availability of eligible Matching funds prior to submission of the Application to the State.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS HEREBY DETERMINES, RESOLVED AND APPROVES AS FOLLOWS:

SECTION 1. Approves the filing of an application for "Design and Construction of the Demuth Dog Park" through the Land and Water Conservation Fund.

SECTION 2. Agrees to comply with Section 6(f)(3) of Public Law 88-578 which states "No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if the Secretary finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

SECTION 3. Certifies that the City of Palm Springs has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project.

SECTION 4. Certifies that if the project is awarded, the City of Palm Springs has or will have sufficient funds to operate and maintain the project.

SECTION 5. Certifies that the City of Palm Springs has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide.

SECTION 6. Delegates the authority to the City Manager, or designee, 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 Grant Scope.

Resolution No. _____

SECTION 7. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 30TH DAY OF JANUARY, 2020.

DAVID H. READY, CITY MANAGER

ATTEST:

ANTHONY J. MEJIA, MMC, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, ANTHONY J. MEJIA, MMC, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy as was duly adopted at a regular meeting of the City Council of the City of Palm Springs on January 30, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ANTHONY J. MEJIA, MMC, CITY CLERK