

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, NOVEMBER 29, 2004 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

- ITEM-1: ROLL CALL.
- ITEM-10: INVOCATION.
- ITEM-20: PLEDGE OF ALLEGIANCE.

=== LEGISLATIVE SCHEDULE ===

Special Order of Business

- ITEM-30: Approval of Council Minutes.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Special Closed Session Agenda for Monday, November 29, 2004, scheduled to commence immediately following the conclusion of the regular open session meeting that day. The Special Closed Session may continue into Tuesday, November 30, 2004.**

The Special Closed Session Agenda is separately available in the Office of the City Clerk and it is also posted at the same locations as the Open Session Agenda, including the City Internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-50: Two actions related to Amending San Diego Municipal Code Relating to Parking Task Force.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinances which were introduced on 11/15/2004, Item 201.
- ITEM-51: North Embarcadero Visionary Plan: Cleanup Plan and Ordinance Amendments. (Columbia Redevelopment District and Marina Sub Area of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 11/15/2004, Item S401.
- ITEM-52: Establishing the Family Justice Center Department.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 11/15/2004, Item 200.
- ITEM-100: Two actions related to Inviting Bids for the Construction of Pump Station Upgrades Group IV – Comfort Stations Project.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 10/06/2004, NR&C voted 4 to 0 to approve the City Manager's recommendation in regards to substantive aspects of the project with direction to the City Manager to include the department's best management practices in the environmental documentation when it comes forward to the full Council.
- ITEM-101: Two actions related to Inviting Bids for the Construction of Pump Station Upgrades – Group I – North County Sewer Pump Stations Project.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 10/06/2004, NR&C voted 4 to 0 to approve the City Manager's recommendations in regards to substantive aspects of the project with direction to the City Manager to include the department's best management practices in the environmental documentation when it comes forward to the full Council.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items (Continued)

- ITEM-102: Additional Funding for the Safe Routes to School – Euclid Elementary Project. (City Heights Community Area. District 3.)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Funding for Consultant Services for Palm Avenue/I-805 Interchange Improvements. (Otay Mesa and Otay Mesa-Nestor Community Areas. District 8.)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-104: Third Amendment to the Retainer Agreement with Latham & Watkins for Outside Counsel Services.
CITY ATTORNEY’S RECOMMENDATION: Adopt the resolution.
- ITEM-105: Third Amendment to the Retainer Agreement with Horvitz & Levy, for Appellate Legal Services. (Otay Mesa Community Area. District 8.)
CITY ATTORNEY’S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Traffic Calming Projects for Marshall Middle School and Dingeman Elementary School in Miramar Ranch North. (Miramar Ranch North Community Area. District 5.)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Appointment to the City Public Utilities Advisory Commission.
MAYOR MURPHY’S RECOMMENDATION: Adopt the resolution.
- ITEM-108: San Diego Convention & Visitors Bureau 50th Anniversary Day.
DEPUTY MAYOR ATKINS’ RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-109: Excusing Councilmember Zucchet from Attending the Public Safety and Neighborhood Services Committee Meeting of November 17, 2004.
COUNCILMEMBER ZUCCHET'S RECOMMENDATION: Adopt the resolution.
- ITEM-110: Excusing Councilmember Michael Zucchet from Attending the Land Use and Housing Committee Meeting of November 10, 2004.
COUNCILMEMBER ZUCCHET'S RECOMMENDATION: Adopt the resolution.
- ITEM-111: Excusing Councilmember Frye from Attending the Land Use and Housing Committee Meeting of November 10, 2004.
COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.

Adoption Agenda, Discussion, Other Legislative Items

- ITEM-200: Two actions related to Inviting Bids for Coastal Sewage Interception/Low Flow Storm Drain Diversion Project – Phase III. (La Jolla, Pacific Beach, and Ocean Beach Community Areas. Districts 1 and 2.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.
- ITEM-201: Change Order No. 3 with Sverdrup Civil, Inc. for Final Design and Construction Support of the At-Grade Vehicular Railroad Crossing at Park Boulevard and Harbor Drive. (Centre City Community Area. Districts 2 and 8.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-202: Agreement with SBC California (SBC) for the Underground Conversion of Overhead Facilities.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Public Notices

ITEM-250: **Notice** of Pending Final Map Approval – 3200 Sixth Avenue.

ITEM-251: **Notice** of Pending Final Map Approval - Bella Capri.

ITEM-252: **Notice** of Pending Final Map Approval – Park Gate.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDER OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

11/08/2004

11/09/2004

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

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1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 2:00 p.m.

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51, and 52.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, and 111.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-50: Two actions related to Amending San Diego Municipal Code Relating to Parking Task Force.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances, which were introduced on 11/15/2004, Item 201.
(Council voted 7-0. Councilmember Peters not present. District 4-vacant.):

Subitem-A: (O-2005-54)

Amending Chapter 8, Article 6, Division 00, of the San Diego Municipal Code by amending Section 86.04, all relating to Traffic and Vehicles.

Subitem-B: (O-2005-59)

Amending Chapter 2, Article 6, of the San Diego Municipal Code by adding Division 18, titled "Parking Advisory Board," and Sections 26.1801, 26.1802, and 26.1803, all relating to the creation of a Parking Advisory Board.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION: (Continued)

* ITEM-51: North Embarcadero Visionary Plan: Cleanup Plan and Ordinance Amendments.

(Columbia Redevelopment District and Marina Sub Area of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/15/2004, Item S401.
(Council voted 7-0. Councilmember Peters not present. District 4-vacant):

(O-2005-63)

Amending Chapter 10, Article 3, of the San Diego Municipal Code by amending Sections 103.1904, 103.1910, 103.1915, 103.1918, 103.1925, 103.1933, 103.1936, all relating to the Centre City Planned District Ordinance.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

* ITEM-52: Establishing the Family Justice Center Department.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/15/2004, Item 200. (Council voted 7-0. Councilmember Peters not present. District 4-vacant.):

(O-2005-61 Rev.)

Amending Chapter 2, Article 2, Division 18 of the San Diego Municipal Code by amending Section 22.1801(b) and amending Chapter 2, Article 2 of the San Diego Municipal Code by adding Division 22 and Sections 22.2201, 22.2202, and 22.2203, all relating to the creation of the Family Justice Center Department.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Two actions related to Inviting Bids for the Construction of Pump Station Upgrades Group IV – Comfort Stations Project.

(See memorandum from Richard Mendes dated 9/30/2004.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-421 Revised)

Approving the plans and specifications for the construction of Pump Station Upgrades Group IV - Comfort Stations (Project) on Job Order No. 140064;

Authorizing the City Manager, after advertising for bids in accordance with law, to award a contract to, and execute a contract with, the lowest responsible and reliable bidder for the Project in an amount not to exceed \$1,522,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of a total amount not to exceed \$1,861,450 from Fund 41506, CIP-41-929.0, Pump Station Upgrades, of which \$1,522,000 is for construction and \$339,450 is for construction management and related costs, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$152,200 from Fund 41506, CIP-46-193.0, Annual Allocation - Municipal Pooled Contingency, solely and exclusively, for the purpose of providing contingency funds for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K05103)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

Subitem-B: (R-2005-422)

Certifying that the Mitigated Negative Declaration, LDR No. 31233, dated September 3, 2004 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said declaration, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Pump Station Upgrades Group IV - Comfort Stations (Project);

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/06/2004, NR&C voted 4 to 0 to approve the City Manager's recommendation in regards to substantive aspects of the project with direction to the City Manager to include the department's best management practices in the environmental documentation when it comes forward to the full Council. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. District 4-vacant.)

SUPPORTING INFORMATION:

The Citywide Pump Station Upgrade Projects involve four separate groups of construction contracts, totaling 22 sewer pump stations. Citywide Pump Station Upgrades – Group IV – Comfort Stations involves electrical, mechanical, and miscellaneous upgrades of eight sewer pump stations that serve comfort stations in the Mission Bay and Harbor Island areas of the City and the trailers at the City's Chollas Operations Center. Specifically, it involves station number 46 at Chollas; station numbers 52 and 53 on Harbor Island; and station numbers 54, 55, 56, 57, and 58 along the east side of Mission Bay.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

SUPPORTING INFORMATION: (Continued)

The upgrades include: the addition of water supply shutoff solenoid valves, telemetry systems, new pumps, passive odor-control systems, new access hatches, concrete paving, jib cranes, flow meters, new ventilation systems, new handrails, new control panels, new wet well level monitoring systems, and upgrades to three-phase power.

At the October 8, 2004, Natural Resources and Culture (NR&C) Committee Meeting, concern regarding the potential water quality effects of the proposed project and the need for Stormwater - Best Management Practices (BMP's) was raised. A Final Mitigated Negative Declaration (MND), including Initial Study Discussion, was prepared and the potential for adverse downstream water quality effects to State Listed impaired water bodies was discussed on Pages 4 & 5 of the Initial Study. MWWD Contract Specifications have included measures requiring the contractor to prepare various stormwater management plans prior to the preconstruction meeting, and to implement these BMPs during construction. With these measures incorporated into project design, impacts to water quality are not considered significant and therefore no mitigation is required.

The Metropolitan Wastewater Department is requesting approval to advertise, bid, and award the construction contract to the lowest responsible bidder and requesting certification of the California Environmental Quality Act (CEQA) document.

FISCAL IMPACT:

The total of this request is \$2,013,650 of which \$1,522,000 is for construction, \$339,450 is for construction management and related costs, and \$152,200 is for contingencies. Funds, in the amount of \$1,861,450, are available in Sewer Fund 41506, CIP-41-929.0, Pump Station Upgrades, and funds, in the amount of \$152,200, are available in Sewer Fund 41506, CIP-46-193.0, Annual Allocation – Muni Pooled Contingency. This project is part of the existing capital improvement program and is not dependent on future financing proceeds.

Mendes/Tulloch/AKS

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-101: Two actions related to Inviting Bids for the Construction of Pump Station Upgrades – Group I – North County Sewer Pump Stations Project.

(See memorandum from Richard Mendes dated 9/30/2004.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-488)

Approving the plans and specifications for the Pump Station Upgrades Project - Group I - North County Sewer Pump Stations (Project) on Work Order No. 178921;

Authorizing the City Manager, after advertising for bids in accordance with law, to award a contract to, and execute a contract with, the lowest responsible and reliable bidder for the Project in an amount not to exceed \$3,850,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of a total amount not to exceed \$4,250,558 from Fund 41506, CIP-41-929.0, Pump Station Upgrades, of which \$3,850,000 is for construction and \$400,558 is for construction management and related costs, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$192,500 from Fund 41506, CIP-46-193.0, Annual Allocation – Municipal Pooled Contingency, solely and exclusively, for the purpose of providing contingency funds for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

Subitem-B: (R-2005-489)

Certifying that the Mitigated Negative Declaration, LDR No. 31233, dated September 3, 2004, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said declaration, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Pump Station Upgrades Project - Group I - North County Sewer Pump Stations (Project).

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/06/2004, NR&C voted 4 to 0 to approve the City Manager's recommendations in regards to substantive aspects of the project with direction to the City Manager to include the department's best management practices in the environmental documentation when it comes forward to the full Council. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. District 4-vacant.)

SUPPORTING INFORMATION:

The Citywide Pump Station Upgrade Projects involve four separate groups and construction contracts, and an overall total of 22 sewer pump stations. Citywide Pump Station Upgrades – Group I – North County Sewer Pump Station (SPS) Upgrades consists of civil, mechanical, electrical, and miscellaneous upgrades of seven sewer pump stations.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

SUPPORTING INFORMATION: (Continued)

The subject pump stations are as follows: 71, 73, 74, 75, 76, 80, and 82, and the upgrades include: replacement of submersible sewage pumps, replacement of sewage pump motors (encapsulated), pump discharge piping and valves, wet well monitoring system, addition of outside lights, flow meters, second force main discharge piping, emergency storage tanks including overflow and backflow piping, passive odor control systems, emergency generators and emergency generator cable conduits and emergency pump connections, repair wet well liner, site restoration, addition of valve vaults, and other miscellaneous upgrades.

These facilities are located at various part of San Diego North County and have served the community for the past 17-23 years, and these upgrades are required to improve the wastewater operations and bring these pump stations up to current standards.

At the October 8, 2004, Natural Resources and Culture (NR&C) Committee Meeting, concern regarding the potential water quality effects of the proposed project and the need for Stormwater - Best Management Practices (BMP's) was raised. A Final Mitigated Negative Declaration (MND), including Initial Study Discussion, was prepared and the potential for adverse downstream water quality effects to State Listed impaired water bodies was discussed on Pages 4 & 5 of the Initial Study. MWWD Contract Specifications have included measures requiring the contractor to prepare various stormwater management plans prior to the preconstruction meeting, and to implement these BMPs during construction. With these measures incorporated into project design, impacts to water quality are not considered significant and therefore no mitigation is required.

The Metropolitan Wastewater Department is requesting approval to advertise, bid, and award the construction contract to the lowest responsible bidder and requesting certification of the California Environmental Quality Act (CEQA) document.

FISCAL IMPACT:

The total cost of this request is \$4,443,058 of which \$3,850,000 is for construction, \$400,558 is for construction management and related costs, and \$192,500 is for contingencies. Funds, in the amount of \$4,250,558, are available in Sewer Fund 41506, CIP-41-929.0, Pump Station Upgrades – Group I, and funds, in the amount of \$192,500, are available in Sewer Fund 41506, CIP-46-193.0, Annual Allocation – Muni Pooled Contingency. This project is part of the existing capital improvement program and is not dependent on future financing proceeds.

Mendes/Tulloch/AKS

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: Additional Funding for the Safe Routes to School – Euclid Elementary Project.

(City Heights Community Area. District 3.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-552)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$80,000 from Fund No. 30300, TransNet CIP-52-715.0, New Walkways, to CIP-62-263.0, Safe Routes to School – Euclid Elementary;

Approving the expenditure of an amount not to exceed \$80,000 from Fund No. 30300, TransNet Funds, for the purpose of construction of additional sidewalk improvements for CIP-62-263.0, Safe Routes to School – Euclid Elementary;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Euclid Elementary School is located on Euclid Avenue between Orange Avenue and Polk Avenue in the neighborhood of City Heights. The school is situated in a high density residential area congested with traffic. Many students must cross busy collector streets while walking to school. Others are driven by parents and dropped off on Euclid or Orange Avenue. The project provides for improvements in pedestrian safety, traffic calming, and increased crossing opportunities for students and residents within this busy area.

The project is funded by a grant from the State of California for the construction of safer routes to school and TransNet. The City Council on May 15, 2001, R-294835, authorized the City Manager to apply for the grant and to use the money for traffic improvements around the school. The scope of the project includes the installation of sidewalks, curb extensions and enhanced pavement markings, a protected left turn signal, as well the installation of a pedestrian activated traffic signal. All improvements are located within one quarter mile of the intersection of Euclid Avenue and Orange Avenue.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

During construction, it was determined that additional sidewalks within the vicinity of the project needed to be replaced. These additional improvements will provide safer walkways for students and residents in the area, thus encompassing the original intent of the Safe Routes to School project. The supplementary work is estimated at \$80,000. Funding is available in CIP-52-715.0, New Walkways.

FISCAL IMPACT:

The total cost of the project is estimated at \$665,000, of which \$585,000 is available in CIP-62-263.0 Safe Route to School - Euclid Elementary. The additional funding of \$80,000 is available in Fund 30300, TransNet, CIP-52-715.0, New Walkways.

Mendez/Boekamp/DZ

Aud. Cert. 2500476.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: Funding for Consultant Services for Palm Avenue/I-805 Interchange Improvements.

(Otay Mesa and Otay Mesa-Nestor Community Areas. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-516)

Amending the Fiscal Year 2005 Otay Mesa Public Facilities Financing Plan, Fund 79014, Otay Mesa-West FBA, by appropriating an amount of \$38,000 in Fiscal Year 2005 for Capital Improvement Project CIP-52-640.0 (Palm Avenue/ Interstate 805 Interchange);

Amending the Fiscal Year 2005 Otay Mesa Public Facilities Financing Plan, Fund 79013, Otay Mesa-East FBA, by appropriating an amount of \$62,000 in Fiscal Year 2005 for CIP-52-640.0 (Palm Avenue/Interstate 805 Interchange);

Amending the Fiscal Year 2005 CIP budget in Fund 79014, Otay Mesa-West FBA, CIP-52-640.0 (Palm Avenue/Interstate 805 Interchange), by increasing the budget amount by \$38,000;

Amending the Fiscal Year 2005 CIP budget in Fund 79013, Otay Mesa-East FBA, CIP-52-640.0 (Palm Avenue/Interstate 805 Interchange), by increasing the budget amount by \$62,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$38,000 from Fund 79014, Otay Mesa-West, CIP-52-640.0 (Palm Avenue/Interstate 805 Interchange), for the purpose of securing consultant services to provide cost estimates for the completion of the Palm Avenue/Interstate 805 Interchange project;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$62,000 from Fund 79013, Otay Mesa-East, CIP-52-640.0 (Palm Avenue/Interstate 805 Interchange), for the purpose of securing consultant services to provide cost estimates for the Palm Avenue/Interstate 805 Interchange project.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: (Continued)

CITY MANAGER SUPPORTING INFORMATION:

Improvements to the Palm Avenue/I-805 Interchange are being performed in three stages and four phases. Stage 1 consisted of signalization of the on and off-ramps, and has been completed. Stage 2 consists of repairs to the bridge approaches and abutments; partial bridge widening; restriping; and sidewalk, signal, and signage modifications. Stage 3 will widen the bridge to its ultimate width, relocating and redesigning the northbound on and off-ramps, and widening of the on-ramps.

The City and Caltrans are prepared to enter into agreements to perform the Stage 2 and Stage 3 work. However, at this time, there are no cost estimates for the Stage 2 and Stage 3 activities. Consultant services will be required to provide those estimates, and such services are particularly needed for specialized estimates such as the bridge structure improvements.

Staff is recommending that a total of \$100,000 be transferred from the Otay Mesa FBAs to CIP-52-640.0 (Palm Avenue/Interstate 805 Interchange) for the purpose of hiring a consultant to prepare the cost estimates and a financing timetable in time for the revision of the Otay Mesa Public Facilities Financing Plan in Spring 2005.

The consultant agreement will be brought to Council for approval at a later date.

FISCAL IMPACT:

\$38,000 from the Otay Mesa-West FBA, Fund 79014, and \$62,000 from the Otay Mesa-East FBA, Fund 79013.

Mendes/Boekamp/LVW

Aud. Cert. 2500475.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: Third Amendment to the Retainer Agreement with Latham & Watkins for Outside Counsel Services.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-557)

Authorizing a Third Amendment to the Retainer Agreement by and between the City of San Diego and Latham & Watkins, for legal services in Otay Acquisition v. City of San Diego, San Diego Superior Court Case No. GIC 753247, National Enterprise v. City of San Diego, San Diego Superior Court Case No. GIC 730011, and Border Business Park, Inc. v. City of San Diego, San Diego Superior Court Case No. GIC 692794;

Authorizing the expenditure of an amount not to exceed \$400,000 from Liability Fund No. 81140, solely and exclusively for the purpose of providing funds for the above agreement.

SUPPORTING INFORMATION:

An initial agreement in an amount not to exceed \$250,000 was authorized with Latham & Watkins for outside counsel to defend the City in the matters of Otay Acquisition v. City, S.D.S.C. Case No. GIC 753247; National Enterprises v. City, S.D.S.C. Case No. GIC 730011; and Border Business Park, Inc. v. City, S.D.S.C. Case No. GIC 692794. Two amendments to that agreement was authorized by the City Council in a total amount not to exceed an additional \$3.55 million. Additional services are now required to participate in ongoing court proceedings and prepare for future court proceedings, and an additional \$400,000 is required to fund the necessary services. The total contract will be in an amount not to exceed \$4,200,000. Approximately \$2.5 million of insurance proceeds has been received to help defray the cost of the representation.

Ewell/Girard

Aud. Cert. 2500508.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: Third Amendment to the Retainer Agreement with Horvitz & Levy, for Appellate Legal Services.

(Otay Mesa Community Area. District 8.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-555)

Authorizing a Third Amendment to the Retainer Agreement by and between the City of San Diego and Horvitz & Levy, for appellate legal services in Otay Acquisition v. City of San Diego, San Diego Superior Court Case No. GIC 753247, National Enterprise v. City of San Diego, San Diego Superior Court Case No. GIC 730011, and Border Business Park, Inc. v. City of San Diego, San Diego Superior Court Case No. GIC 692794;

Authorizing the expenditure of an amount not to exceed \$100,000 from Liability Fund No. 81140, solely and exclusively, for the purpose of providing funds for the above agreement.

SUPPORTING INFORMATION:

The City previously retained the firm of Horvitz & Levy to provide outside appellate counsel services in the matters of Otay Acquisition v. City, S.D.S.C., Case No. GIC 753247; National Enterprise v. City, S.D.S.C., Case No. GIC 730011; and Border Business Park, Inc. v. City, S.D.S.C., Case No. GIC 692794. The current agreement is in an amount not to exceed \$600,000. Additional services are now required to participate in ongoing court proceedings and prepare for future court proceedings, and an additional \$100,000 is required to fund the necessary services. The total contract will be in an amount not to exceed \$700,000.

Girard/Ewell

Aud. Cert. 2500507.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-106: Traffic Calming Projects for Marshall Middle School and Dingeman Elementary School in Miramar Ranch North.

(Miramar Ranch North Community Area. District 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-553)

Amending the Fiscal Year 2005 Capital Improvements Program (CIP) Budget for CIP-61-001.0, Traffic Control Measures, Fund No. 392109, BCED McMillan-Miramar Ranch North Off-Site Roads, by increasing the budget amount by \$87,700;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$87,700 from Fund No. 392109, BCED McMillan-Miramar Ranch North Off-Site Roads to CIP-61-001.0, Traffic Control Measures;

Authorizing the appropriation and expenditure of an amount not to exceed \$87,700 from CIP-61-001.0, Traffic Control Measures, solely and exclusively, for the purpose of providing funds for the construction of traffic calming projects for Marshall Middle School and Dingeman Elementary School in Miramar Ranch North;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This project will install Intersection Pop-Outs on Scripps Creek Drive in front of Dingeman Elementary School and on Cypress Canyon Road in front of Marshall Middle School. These Pop-Outs will provide a safer crossing for students. The estimated cost for this project is \$87,700, which will include removal of existing curb, gutter and pavement, and installation of new type "G" curb, gutter, stamped concrete, curb ramps, striping, street signs, curbing painting and traffic control during construction.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: (Continued)

FISCAL IMPACT:

Council District 5 is providing \$87,700 as a transfer from Fund 392109, BCED McMillan-Miramar Ranch North Off-Site Roads, for this project.

Mendes/Boekamp/DZ

Aud. Cert. 2500470.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-107: Appointment to the City Public Utilities Advisory Commission.

(See memorandum from Mayor Murphy dated 11/17/2004, with resume attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-576)

Council confirmation of the appointment by the Mayor of the City of San Diego of Bob Nelson, to serve as a member of the City Public Utilities Advisory Commission, replacing Deborah Huffman, who resigned, for a term ending January 1, 2006.

* ITEM-108: San Diego Convention & Visitors Bureau 50th Anniversary Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2005-484)

Congratulating San Diego Convention & Visitors Bureau (ConVis) and joining San Diego's visitor industry in celebration of the bureau's 50 years of achievement and contributions to the City of San Diego;

Proclaiming October 29, 2004, to be "San Diego Convention & Visitors Bureau 50th Anniversary Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-109: Excusing Councilmember Zucchet from Attending the Public Safety and Neighborhood Services Committee Meeting of November 17, 2004.

COUNCILMEMBER ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-602)

Excusing Councilmember Michael Zucchet from attending the Wednesday, November 17, 2004, Public Safety and Neighborhood Services Committee Meeting.

- * ITEM-110: Excusing Councilmember Michael Zucchet from Attending the Land Use and Housing Committee Meeting of November 10, 2004.

COUNCILMEMBER ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-549)

Excusing Councilmember Michael Zucchet from attending the November 10, 2004, Land Use and Housing Committee Meeting.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-111: Excusing Councilmember Frye from Attending the Land Use and Housing Committee Meeting of November 10, 2004.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-601)

Excusing Councilmember Donna Frye from attending the November 10, 2004, Land Use and Housing Committee Meeting.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-200: Two actions related to Inviting Bids for Coastal Sewage Interception/Low Flow Storm Drain Diversion Project – Phase III.

(La Jolla, Pacific Beach, and Ocean Beach Community Areas. Districts 1 and 2.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-505)

Approving the plans and specifications for the construction of Coastal Sewage Interception/Low Flow Storm Drain Diversion Project - Phase III (Project), on Work Order No. 121240;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$2,405,217, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,405,217 from CIP-12-124.0, Beach Area Sewage Interception/Low Flow Storm Drain, solely and exclusively, for the purpose of providing funds for the Project (construction, construction contingencies, inspection, engineering, administration, and field inspection) and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K05523)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-200: (Continued)

Subitem-B: (R-2005-507)

Certifying that Mitigated Negative Declaration LDR No. 3362, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), and the National Environmental Policy Act (NEPA), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Coastal Sewage Interception/Low Flow Storm Drain Diversion Project - Phase III Project (Project);

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

CITY MANAGER SUPPORTING INFORMATION:

This project provides for the interception and diversion of incidental sewage spills as well as beach area summer period contaminated nuisance flows that might otherwise spill to the beach through storm drain outfalls. These diverted flows are directed into the sewer system for treatment. This is implemented through the construction of sub-surface diversion valves or interceptor pump stations at 11 storm drain outfall sites of which 4 sites are located in La Jolla, 6 sites are located in Pacific Beach and 1 site is located in Ocean Beach. Funding for the construction and contingency of the 11 new diversion facilities is provided through 55% from Federal Grants (\$1,150,321) and 45% (\$941,172) from sewer funds as City match to the Federal grant.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-200: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The locations of the 11 low flow diversion facilities are listed below and shown on the maps:

- 1 Site (IPS-24) is located on Coast Blvd. at Nicholson Point.
- 1 Site (DV-16) is located on Marine Street
- 1 Site (DV-22) is located on Fern Glen.
- 1 Site (DV-57) is located on Sea Ridge Drive
- 1 Site (DV-10) is located on Chelsea Street
- 1 Site (IPS-18) is located on Loring St.
- 1 Site (DV-09) is located on Law St.
- 1 Site (DV-08) is located on Chalcedony St.
- 1 Site (DV-07) is located on Missouri St.
- 1 Site (IPS-17) is located on Felspar St.
- 1 Site (IPS-15) is located on Point Lorna Ave. & Sunset Cliffs Blvd.

FISCAL IMPACT:

The total authorized to expend is \$2,405,217. Funds in the amount of \$2,405,217 are currently available in Fund 10525, CIP-12-124.0, Beach Area Sewage Interception/Low Flow Storm Drain Diversion.

Mendes/Boekamp/DZ

Aud. Cert. 2500432.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-201: Change Order No. 3 with Sverdrup Civil, Inc. for Final Design and Construction Support of the At-Grade Vehicular Railroad Crossing at Park Boulevard and Harbor Drive.

(See City Manager Report No. CMR-04-253. Centre City Community Area. Districts 2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-599)

Finding and determining that the foregoing recitals are true and correct, as being in the best interests of the City;

Authorizing the City Manager to execute Change Order No. 3 with Sverdrup Civil, Inc., in the amount of \$525,000 for final design and construction support of the at-grade vehicular railroad crossing at Park Boulevard and Harbor Drive;

Authorizing and directing the City Manager and City Auditor and Comptroller to execute the necessary documentation, including, if necessary, an assignment of the Sverdrup Civil, Inc. contract, to cause the transfer of responsibility for future construction work for the at-grade crossing to the Redevelopment Agency, and to transfer the remaining available funding within the City's infrastructure budget of \$2,641,374 to the Redevelopment Agency for that purpose;

Authorizing and directing the City Manager and City Auditor and Comptroller, upon completion of the design and construction work on the at-grade crossing by Sverdrup Civil, Inc. pursuant to the existing contract with the City, to transfer any remaining funding to the Redevelopment Agency for future construction work on the at-grade crossing;

Authorizing and directing the City Manager and City Auditor and Comptroller to reimburse the Padres in the amount of \$769,545 for infrastructure work performed by the Padres on behalf of the City, and to execute a necessary or appropriate documentation for that purpose;

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-201: (Continued)

Authorizing and directing the City Manager and City Auditor and Comptroller to take such other and further actions, and negotiate, prepare and execute such documents, as may be necessary or appropriate to implement the intent and purposes of this resolution, the Ordinance, the Memorandum of Understanding (MOU), the First Implementation Agreement, the Second Implementation Agreement, the Third Implementation Agreement or Fourth Implementation Agreement, consistent with the rights and obligations of the City pursuant to the Ordinance, MOU, Implementation Agreement, Second Implementation Agreement, Third Implementation Agreement, and Fourth Implementation Agreement, and their authorizing ordinances and resolutions.

Aud. Cert. 2500513.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-202: Agreement with SBC California (SBC) for the Underground Conversion of Overhead Facilities.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-579)

Authorizing the City Manager to execute an agreement with SBC for the relocation of overhead facilities to underground service, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and Agreement;

Declaring that the Council of the City of San Diego supports and endorses the application for cost recovery to be filed by SBC with the CPUC, currently estimated by SBC to be \$1.00 per month per customer;

Authorizing the City Manager to accept, appropriate, and expend funds that may be received from SBC pursuant to the Agreement, for the Underground Utility Districts for which the funds are received or designated;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Underground Utility Program converts existing overhead utility lines to underground service in the City of San Diego. The City and SDG&E previously agreed to expand the scope of the Underground Utility Program to extend to areas that are not eligible under the statewide program known as Rule 20. The proposed Agreement with SBC California (SBC) will secure SBC's participation in the expanded Underground Utility Program, contingent upon the California Public Utilities Commission's approval of a cost recovery mechanism for SBC.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-202: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The proposed Agreement requires SBC to file an Application with the CPUC for permission to collect a surcharge from its customers to cover SBC's undergrounding costs. SBC estimates the cost to be \$1.00 per month per customer. The monthly surcharge will be adjusted periodically by the CPUC to reflect SBC's actual costs. The monthly surcharge will be marked on SBC telephone bills as a City of San Diego undergrounding surcharge. The City is required to actively support the Application and the estimated \$1.00 surcharge amount.

The Application process is estimated to take six to nine months, though SBC estimates it could take as long as eighteen to twenty-four months. While the Application is pending, the City will pay SBC to design underground conduit which the City will install in conjunction with the relocation of SDG&E and cable company lines. This avoids the need to re-trench City streets when the time comes to relocate SBC facilities. If the Application is approved, SBC will be allowed to accumulate six months worth of surcharge funds before it begins to remove its overhead lines. The oldest projects are anticipated to be converted first, as SBC hires additional staff over four years to keep pace with the City's expanded program. SBC will purchase the conduit previously installed by the City while the Application was pending. The City will absorb the conduit installation costs, including SBC's share of the joint trench costs, as the City now does for Cox and Time-Warner. This is estimated to be approximately \$2 million per year, and will be paid from SDG&E franchise fee funds.

If the Application is not approved by the CPUC, or approved for only a portion of SBC's actual costs, then the City and SBC will meet to discuss other alternatives to secure SBC's participation in the Underground Utility Program.

FISCAL IMPACT:

None.

Mendes/Boekamp/NB

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: **Notice** of Pending Final Map Approval – 3200 Sixth Avenue.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “3200 Sixth Avenue” (T.M. No. 75472 PTS No. 47011), located northwesterly of 6th Avenue and Spruce Street in the Uptown Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Pending Final Map Approval - Bella Capri.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Bella Capri" (T.M. No. 61329, W.O. No. 423007), located northeasterly of Pearl Street and Draper Avenue in the La Jolla Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM252-: **Notice** of Pending Final Map Approval – Park Gate.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Park Gate” (T.M. No. 22399), located southeasterly of Park Boulevard and Monroe Avenue in the Greater North Park Community Planning Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT