

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, DECEMBER 4, 2006 AT 2:00 P.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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

**NON-AGENDA PUBLIC COMMENT**

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.5.

**MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT**

**UPDATES ON PENDING LEGISLATION (MAYOR’S OFFICE)**

**REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**=== LEGISLATIVE SCHEDULE ===**

Adoption Agenda, Discussion, Other Legislative Items

- ITEM-200: Ninth Amendment to the Agreement with KPMG, LLP for FY 2003 Comprehensive Annual Financial Report (CAFR) Auditing Services.  
CHIEF FINANCIAL OFFICER'S RECOMMENDATION: Introduce the ordinance in Subitem A and adopt the resolution in Subitem B.
- ITEM-201: Agreement and Amendments to Agreement with Macias, Gini & O'Connell, LLP for the FY 2003 - FY 2006 Financial Statements Audits.  
CHIEF FINANCIAL OFFICER'S RECOMMENDATION: Introduce the ordinance in Subitem A and adopt the resolution in Subitem B.
- ITEM-202: NOTE: This item has been pulled from the docket.
- ITEM-203: NOTE: This item has been pulled from the docket.
- ITEM-204: Appointment to the Board of the San Diego County Regional Airport Authority.  
MAYOR SANDERS' RECOMMENDATION: Adopt the resolution.
- ITEM-205: Third Amendment and Restated Operating Agreement to the San Diego Medical Services Enterprise (SDMSE) Contract Regarding Profit Distributions.  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-206: Third Amendment and Restated Operating Agreement to the San Diego Medical Services Enterprise (SDMSE) Contract Regarding Expiration Language.  
STAFF'S RECOMMENDATION: Adopt the resolution.

**CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Monday's, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and 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.

=== LEGISLATIVE SCHEDULE (Continued) ===

Public Notices

ITEM-250:           **Notice** of Pending Final Map Approval – Fairbanks Country Villas.

ITEM-251:           **Notice** of Pending Final Map Approval – 4093 First Avenue  
Condominiums.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

ITEM-200: Ninth Amendment to the Agreement with KPMG, LLP for FY 2003 Comprehensive Annual Financial Report (CAFR) Auditing Services.

(See Report to the City Council No. 06-189 and memorandum from Jay M. Goldstone dated 12/1/2006.)

**CHIEF FINANCIAL OFFICER'S RECOMMENDATION:**

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2007-60 Cor. Copy 2)

Introduction of an Ordinance amending Ordinance No. O-19522 (New Series) entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2006-2007 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year," by authorizing the City Auditor and Comptroller to appropriate and to transfer up to \$1,320,000 from the City's General Fund Unallocated Reserve to the Public Liability Fund, to pay for services rendered by KPMG, LLP in connection with auditing the City's Fiscal Year 2003 Comprehensive Annual Report.

Subitem-B: (R-2007-635)

Authorizing the Mayor to enter into a Ninth Amendment to the Agreement with KPMG for auditing services on the City's Fiscal Year 2003 Comprehensive Annual Financial Report (CAFR) and authorizing the City Auditor and Comptroller to pay from the City's Public Liability Fund up to \$1,320,000 for such audit services.

Aud. Cert. 2700374.

Staff: Jay M. Goldstone - (619) 236-5941  
Brant C. Will - Deputy City Attorney

**NOTE:** This item is not subject to Mayor's veto.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:  
(Continued)

ITEM-201: Agreement and Amendments to Agreement with Macias, Gini & O'Connell, LLP for the FY 2003 - FY 2006 Financial Statements Audits.

(See Report to the City Council No. 06-187.)

**CHIEF FINANCIAL OFFICER'S RECOMMENDATION:**

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2007-61 Cor. Copy 2)

Introduction of an Ordinance amending Ordinance No. O-19522 (New Series) entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2006-2007 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year," by authorizing the City Auditor and Comptroller to appropriate and to transfer up to \$681,804.32 from the City's General Fund Unallocated Reserve to the General Fund, Dept. 050, City Auditor and Comptroller, and \$327,325 from the Unallocated Reserve to the Public Liability Fund, to pay for audit services rendered by Macias, Gini, & O'Connell, LLP in connection with auditing the City's Fiscal Year 2003-2006 Comprehensive Annual Reports, re-auditing the Fiscal Year 2003 Financial Reports of the Redevelopment Agency, re-auditing the City's Fiscal Year 2003 Single Audit and the ongoing fraud investigation in connection of the FY2003-2005 Financial Statement Audits.

Subitem-B: (R-2007-634)

Authorizing the Mayor to enter into or amend the Agreements with Macias, Gini & O'Connell in connection with auditing the City's Fiscal Year 2003-2006 Comprehensive Annual Reports, reauditing the Fiscal Year 2003 Financial Reports of the Redevelopment Agency, reauditing the City's FY 2003 Single Audit and ongoing fraud investigation in connection of the FY 2003-2005 Financial Statement Audits.

Aud. Cert. 2700375.

**NOTE:** This item is not subject to Mayor's veto.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED:

ITEM-202: **NOTE:** This item has been pulled from the docket.



ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-203: **NOTE:** This item has been pulled from the docket.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-203: (Continued) **NOTE:** This item has been pulled from the docket.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-203: (Continued) **NOTE:** This item has been pulled from the docket.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-204: Appointment to the Board of the San Diego County Regional Airport Authority.

(See memorandum from Mayor Sanders dated 11/17/2006.)

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-607)

Council confirmation of the appointment by the Mayor of the City of San Diego of Alan D. Bersin, to serve as a member of the Executive Committee of the San Diego County Regional Airport Authority, for a term ending December 4, 2010, pursuant to California Public Utilities Code Section 170028.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-205: Third Amendment and Restated Operating Agreement to the San Diego Medical Services Enterprise (SDMSE) Contract Regarding Profit Distributions.

(See Report to the City Council 06-184.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-258 Cor. Copy)

Amending the Third Amended and Restated Operating Agreement of San Diego Medical Services Enterprise, LLC (SDMSE), to change the profit distribution policy of the company.

Staff: Jill Olen - (619) 236-7169  
Brant C. Will - Deputy City Attorney

ITEM-206: Third Amendment and Restated Operating Agreement to the San Diego Medical Services Enterprise (SDMSE) Contract Regarding Expiration Language.

(See Report to City Council 06-183.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-575)

Amending the Third Amended and Restated Operating Agreement of San Diego Medical Services Enterprise, LLC (SDMSE), to change the language related to the expiration of the company until the first anniversary of the date on which the company ceases to provide services to any third party.

Staff: Tracy Jarman - (619) 533-4301  
Brant C. Will - Deputy City Attorney

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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 – Fairbanks Country Villas.

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 “Fairbanks Country Villas” (T.M. No. 7439/PTS No. 11104), located westerly of Camino Ruiz between Carmel Valley Road and Torrey Meadows Drive in the Torrey Highlands 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.

ITEM-251: **Notice** of Pending Final Map Approval – 4093 First Avenue Condominiums.

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 “4093 First Avenue Condominiums” (T.M. No. 268398/PTS No. 106701), located on the southeast corner of Lewis Street and First Avenue in the Uptown Community Plan 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