

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, JUNE 12 AND 13, 2006
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

REPORTING RESULTS OF CLOSED SESSION MEETINGS

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Karen Heumann reports the results of the Closed Session Meetings of June 12 and 13, 2006, as follows:

CLOSED SESSION MEETING FOR MONDAY, MAY 22, 2006

Closed Session Items were heard on Tuesday, June 13, 2006.

CLOSED SESSION MEETING FOR TUESDAY, JUNE 13, 2006

ROLL CALL:

Present: All Present

Absent:

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

**CS-1 *Border Business Park v. City of San Diego*
Appellate Case No. D039225; San Diego Superior Court Case No. GIC 692794
Otay Acquisitions v. City of San Diego
San Diego Superior Court Case No. GIC 753247
National Enterprises, Inc. v. City of San Diego
San Diego Superior Court Case Nos. GIC 791407; GIC 805465**

EACA assigned: D. McGrath

Nothing to report

**CS-2 *William J. McGuigan v. City of San Diego*
San Diego Superior Court Case No. GIC849883**

CA: M. Aguirre/D. McGrath

Motion: Acceptance of Signed Settlement Offer
Moved: Councilmember Madaffer – Dist. 7
Seconded: Council President Peters – Dist. 1
Vote: 8/0 [Unanimous]

Reported out in Open Session on June 13, at 6:20 p.m. by Karen Heumann, Assistant City Attorney: *William J. McGuigan v. City of San Diego* – the City Council voted today in Closed Session unanimously with a vote of 8 to 0 – with a motion by Councilmember Madaffer and a second by Councilmember Peters to approve the settlement in that case.

**CS-3 *SDCERS v. Michael J. Aguirre, et al.*
Case No. GIC841845
And related Cross-Action
Consolidated with Cases GIC851286 and GIC 852100**

CA M. Aguirre

Motion: Retain Latham & Watkins and authorize paying them up to \$100,000 from unappropriated reserves to respond to motion papers (10 days to respond).
Moved: Councilmember Frye – Dist. 6
Seconded: Councilmember Faulconer – Dist. 2
Vote: 4/4 [Failed]

Reported out in Open Session on June 13, at 6:20 p.m. by Karen Heumann, Assistant City Attorney: *SDCERS v. Michael J. Aguirre* - In that case, there was a failed motion with no action by the City Council. There was a motion by Councilmember Frye with a second by Councilmember Faulconer to provide the City Attorney with \$100,000 for Latham and Watkins to assist in responding to motion papers from unappropriated reserves because of the 10 day response time in that case. That motion failed with a vote of 4 to 4 with Districts 2, 4, 6, and 8 voting Yes and Districts 1, 3, 4, and 7 voting No.

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code section 54956.9(b):

CS-4 In the matter of City of San Diego Bond Offerings, the United States Securities & Exchange Commission No. LA-2842 Investigation into City Bond and Disclosure Practices

CDCA assigned: M. Blake

Nothing to report

REPORTED BY: _____
Karen Heumann
Assistant City Attorney