

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, JULY 24 AND 25, 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 July 24 and 25, 2006, as follows:

CLOSED SESSION MEETING FOR MONDAY, JULY 24, 2006

ROLL CALL:

Present: Mayor Jerry Sanders, Council President Peters, Council President Pro Tem Young, and Councilmembers Faulconer, Atkins, Maienschein, Frye, Madaffer, and Hueso

Absent: All present

CLOSED SESSION ITEMS:

**CS-7 *City of San Diego v. Chapin*
San Diego Superior Court Case No. GIC863096**

CA assigned: M. Aguirre, DCA S. Spivak, DCA C. Fitzgerald

Motion: Authorize settlement of litigation for \$74,810
Moved: Council President Peters – Dist. 1
Seconded: Councilmember Atkins – Dist. 3
Vote: 8/0 [Passed unanimously]
Absent: All Present

Reported out in Open Session on July 25, 2006, by Karen Heumann, Assistant City Attorney:
The City Council, yesterday, July 24th, voted 8-0 in Closed Session to authorize a settlement in the case of *City of San Diego v. Loraine Chapin*, which was Closed Session Item 7, which is pending in San Diego superior court. The motion was by Council President Peters with a second by Councilmember Atkins. The complaint sought to void the 1998 MOU and related resolutions and ordinances that created separate legal counsel for the board of SDCERS. On or about

September 12th, 2006, the City Council will consider eliminating those positions and returning as SDCERS legal counsel to the City Attorney's Office. Under the terms of the settlement the City will pay Ms. Chapin, \$74, 810, and the City will dismiss the lawsuit without prejudice. The City also agrees that it has no present intention to re-file the case.

NOTE: Closed Session Items CS-1, 2, 3, 4, 5, 6, 8, and 9 were heard on Tuesday, July 25, 2006

CLOSED SESSION MEETING FOR TUESDAY, JULY 25, 2006

ROLL CALL:

Present: Mayor Jerry Sanders, Council President Peters, and Councilmembers Faulconer, Atkins, Frye, and Madaffer

Absent: Council President Pro Tem Young – Dist. 4 (Absent for Items CS-4 and CS-6)
Councilmember Maienschein – Dist. 5 (Absent for the meeting.)

CLOSED SESSION ITEMS:

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

**CS-1 *Isbell v. City of San Diego, U.S.D.C.*
United States District Court No. 98CV0688**

DCA assigned: B. Walters

Nothing to report

**CS-2 *Canyon Ridge Baptist Church, Inc. et al. v. City of San Diego*
United States District Court No. 5CV2313**

DCA assigned: G. Spitzer

Nothing to report

**CS-3 *Friends of Fox Canyon v. City of San Diego, City Council of San Diego*
San Diego Superior Court Case No. GIC864623**

DCA assigned: M. Dickenson

Nothing to report

CS-4 *City of San Diego v. Callan, et al.*
San Diego Superior Court Case No. GIC852419

EACA assigned: D. McGrath

Nothing to report

CS-5 *Anthony Purbaugh v. City of San Diego*
Claim No. LP0607050804

DCA assigned: A. Jones

Nothing to report

CS-6 *Marcus R. Abbe, et al. v. City of San Diego, et al.*
United States District Court No. 05CV1629

EACA assigned: D. McGrath

Nothing to report

CS-7 *City of San Diego v. Chapin*
San Diego Superior Court Case No. GIC863096

CA assigned: M. Aguirre, DCA S. Spivak, DCA C. Fitzgerald

NOTE: Item heard on Monday, July 24, 2006

CS-8 *Get Outdoors II, L.L.C. v. City of San Diego*
Federal District Court Case No. 03cv1436

DCA assigned: M. Stiffler

Nothing to report

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

CS-9 Shier Aviation

DCA: M. Park and D. Shanahan.

Nothing to report

REPORTED BY: _____
Karen Heumann
Assistant City Attorney