

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, OCTOBER 23 AND 24, 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 October 23 and 24, 2006, as follows:

CLOSED SESSION MEETING FOR MONDAY, OCTOBER 23, 2006

Closed Session Items were heard on Tuesday, October 24, 2006.

CLOSED SESSION MEETING FOR TUESDAY, OCTOBER 24, 2006

ROLL CALL:

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

Absent: Council President Pro Tem Young – (Present for Item CS-5 only.)

CLOSED SESSION ITEMS:

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

**CS-1 *George Isbell, et al. v. City of San Diego*
USDC No. 98CV0688**

DCA assigned R. Walters

Motion: Seek Appellate Review

Moved: Council President Peters – Dist. 1

Seconded: Councilmember Atkins – Dist. 3

Vote: 7/0 [Passed]

Absent: Council President Pro Tem Young – Dist. 4

Reported out in Open Session on October 24, 2006, by Karen Heumann, Assistant City Attorney:
Today, the City Council voted in Closed Session in the matter entitled *George Isbell, et al. v. City of San Diego* – to seek appellate review with a motion by Councilmember Hueso, second by Council President Peters, 7-0, with Council President Pro Tem Young absent.

**CS-2 *Cal Johnson, et al. v. Thomas Distabile, et al.*
San Diego Superior Court Case No. GIC 782977**

DCA assigned: R. Walters

Motion: Defend Litigation
Moved: Council President Peters – Dist. 1
Seconded: Councilmember Madaffer – Dist. 7
Vote: 6/0 [Passed]
Absent: Council President Pro Tem Young – Dist. 4
Recused: Councilmember Atkins – Dist. 3

Reported out in Open Session on October 24, 2006, by Karen Heumann, Assistant City Attorney:
Today, the City Council voted in Closed Session in the matter entitled *Cal Johnson, et al. v. Thomas Distabile, et al.* – to authorize defense of the litigation with a motion by Council President Peters, second by Councilmember Madaffer, vote 6-0, with Councilmember Atkins recused and Council President Pro Tem Young absent.

**CS-3 *La Jolla Alta Master Council v. City of San Diego*
San Diego Superior Court Case No. GIC 822281**

CDCA assigned: M. Severson

Nothing to report

CS-4 *Howard DeYoung & Citizens for the Recreation Use of Pueblo Land v. The City of San Diego*

DCA assigned: J. Riley

Nothing to report

CS-5 *In the matter of City of San Diego Bond Offerings, the United States Securities and Exchange Commission No. LA-2842 Investigation into City Bond and Disclosure Practices*

CA assigned: Michael Aguirre

Nothing to report

Conference with Labor Negotiator, pursuant to Government Code Section 54957.6:

CS-6 Agency Negotiator: Scott Chadwick, J. Rod Betts, Lisa Briggs, Rich Snapper, Jessica Falk Michelli William Gersten, Joe Harris, Rick Reynolds

Employee Organizations: Municipal Employees Association, Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, Deputy City Attorney Association, AFSCME Local 127

DCA assigned: W. Gersten

Nothing to report

*******FOLLOW UP REPORT OUT FOR ITEM 1 FROM THE JUNE 27, 2006, CLOSED SESSION MEETING LISTED BELOW:**

**CS-1 City of San Diego v. Orrick Herrington & Sutcliff, et al.
San Diego Superior Court Case No. GIC857632**

Reported out in Open Session on October 24, 2006, by Karen Heumann, Assistant City Attorney: On June 27, 2006, the City Council voted in Closed Session in the matter entitled - *City of San Diego v. Orrick Herrington & Sutcliff, et al.* - to accept a settlement agreement with Caporicci and Larson to pay the City \$900,000; and Calderon, Jahan & Osborn to pay the City \$750,000. Motion by District 3, Councilmember Atkins and second by District 4, Councilmember Young. The motion passed 6-0 with Councilmembers Young and Maienschein absent

REPORTED BY: _____
Karen Heumann
Assistant City Attorney