

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY, JANUARY 22, 2007
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 Meeting of January 22, 2007, as follows:

CLOSED SESSION MEETING FOR MONDAY, JANUARY 22, 2007

ROLL CALL:

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

Absent: Council President Peters– Dist. 1 (Absent for Item CS-3 and 4 only.)
Councilmember Atkins - Dist. 3 (Absent for Item CS-1 only.)
Council President Pro Tem Young - Dist. 4 (Absent for Item CS-1 only.)
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 *Thomas Hartnett v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC 858054**

DCA assigned: K. Zlotnik

Nothing to report.

**CS-2 *Friends of Rose Canyon et al. v. City of San Diego*
San Diego Superior Court Case No. GIC 874140**

***Las Palmas Condominium Owners' Association et al. v. City of San Diego*
San Diego Superior Court Case No. GIC 872000**

DCA assigned: C. Brock

Motion: Authorize outside counsel for limited purposes of evaluating merits of litigation
Moved: Council President Peters – Dist. 1
Seconded: Councilmember Madaffer – Dist. 7
Vote: 5/2 [Passed] (Councilmembers Atkins (Dist. 3) and Frye (Dist. 6) voted “No”)
Absent: Councilmember Maienschein – Dist. 5

Reported out in Open Session on January 23, 2007, by Karen Heumann, Assistant City Attorney:

Yesterday, January 22, the City Council voted in Closed Session on the matter of *Friends of Rose Canyon et al. v. City of San Diego* to reject a proposed settlement offer and to authorize the Mayor to interview and hire outside counsel for an amount not to exceed the Mayor’s \$250,000 authority (for a limited scope of services) to be paid from University City Facilities Benefit Assessment funds (unless payment from such fund is determined to be inappropriate in which case the funding is authorized from the unallocated reserves). Motion by Council President Peters, second by Councilmember Madaffer. The vote passed 5-2 with Councilmembers Atkins and Frye voting “No” and Councilmember Maienschein absent.

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

**CS-3 *Michelle & William Merrill vs. City of San Diego*
Liability File No. LP06-7773-1105**

DCA assigned: M. Herrin

Nothing to report.

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

CS-4 Agency negotiator: Scott Chadwick, J. Rod Betts, Lisa Briggs, Rich Snapper,
Jessica Falk Michelli, William Gersten, and Debora Buljat

Employee organizations: Local 145 International Association of Firefighters AFL-CIO,
San Diego Police Officers Association and Deputy City
Attorney Association

DCAs assigned: W. Gersten/D. Buljat

Nothing to report.

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

**CS-5 Friends of Rose Canyon et al. v. City of San Diego
San Diego Superior Court Case No. GIC 874140**

Las Palmas Condominium Owners' Association et al. v. City of San Diego San Diego Superior Court Case No. GIC 872000

DCA Assigned: C. Brock

Motion: Authorize outside counsel for limited purposes of evaluating merits of litigation
Moved: Council President Peters – Dist. 1
Seconded: Councilmember Madaffer – Dist. 7
Vote: 5/2 [Passed] (Councilmembers Atkins (Dist. 3) and Frye (Dist. 6) voted “No”)
Absent: Councilmember Maienschein – Dist. 5

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REPORTED BY: _____
Karen Heumann
Assistant City Attorney