

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, MARCH 5 AND 6, 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 Meetings of March 5 and 6, 2007, as follows:

CLOSED SESSION MEETING FOR MONDAY, MARCH 5, 2007

Closed Session Items were heard on Tuesday, March 6, 2006.

CLOSED SESSION MEETING FOR TUESDAY, MARCH 6, 2007

ROLL CALL:

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

Absent: Council President Peters - Dist. 1 (Absent for Item CS-4)
Councilmember Atkins - Dist. 3 (Absent for Item CS-5 - Councilmember Atkins recused herself because she arrived too late to hear the arguments (essentially absent))
Councilmember Frye – Dist. 6 (Absent for the vote on Item CS-2 only)

CLOSED SESSION ITEMS:

**CS-1 *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

Nothing to report

**CS-2 *Estate of Beatrice Madison, et al. v. City of San Diego*
San Diego Superior Court Case No. GIC 857262**

DCA Assigned: R. Walters

Nothing to report

**CS-3 *Greg Spencer, et al., vs. City of San Diego, et al.*
U.S. District Court Case No.: 04cv2314-BEN (WMc)**

DCA Assigned: C. Morris, Assistant City Attorney; D. Bamberg; and J. Riley

Motion: Acceptance of signed settlement offer
Moved: Councilmember Madaffer - Dist. 7
Seconded: Councilmember Hueso - Dist. 8
Vote: 7/0 [Passed]
Absent: Council President Peters - Dist. 1

Reported out on March 6, 2007, at 5:30 p.m. by Karen Heumann, Assistant City Attorney:

The City Council voted in Closed Session to approve the proposed settlement in the *Greg Spencer, et al., vs. City of San Diego, et al.*, U.S. District Court Case No.: 04cv2314-BEN (WMc), in which the City was sued by a group of homeless advocates. The terms of the settlement include the adoption of guidelines of previously enacted by the San Diego Police Department. Pursuant to the guidelines, the San Diego Police Department may cite or arrest an individual for illegal lodging between the hours of 9:00 a.m. and 5:30 p.m. if: (1) they are responding to citizens' complaints, (2) they ask the individual to move but he/she refuses, and (3) they offer homeless services but they are refused. This settlement does not alter the San Diego Police Department's ability to respond to violations of law that occur independent of illegal lodging.

**CS-4 *La Playa View Holdings, LLC, et al. v. City of San Diego*
San Diego Superior Court Case No. GIC 843584**

DCA Assigned: M. Dickenson

Nothing to report

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

**CS-5 AFSCME Local 127 v. City of San Diego
Unfair Practice Charge No. LA-CE-352-M**

DCA Assigned: D Buljat

Motion: Defend litigation
Moved: Councilmember Frye - Dist. 6
Seconded: Councilmember Faulconer - Dist. 2
Vote: 7/0 [Passed]
Absent: *Councilmember Atkins

Reported out on March 6, 2007, at 5:30 p.m. by Karen Heumann, Assistant City Attorney:

Today the City Council voted in Closed Session on Item CS-5, AFSCME Local 127 v. City of San Diego, Unfair Practice Charge No. LA-CE-352-M, to give the City Attorney authority to hire Latham & Watkins in an amount not to exceed \$50,000 to be paid from unallocated reserves. Motion by Councilmember Frye. Second by Councilmember Faulconer. Passed 7 to 0 with Councilmember Atkins absent.

*Councilmember Atkins recused herself because she arrived too late to hear the arguments (essentially absent).

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, and Debora Buljat

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

DCA Assigned: W. Gersten/D. Buljat

Nothing to report

REPORTED BY: _____
Karen Heumann
Assistant City Attorney