

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, MARCH 26 AND 27, 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 26 and 27, 2007, as follows:

CLOSED SESSION MEETING FOR MONDAY, MARCH 26, 2007

Closed Session Items were heard on Tuesday, March 27, 2007.

CLOSED SESSION MEETING FOR TUESDAY, MARCH 27, 2007

ROLL CALL:

Present: Mayor Jerry Sanders and Councilmembers Faulconer, Atkins, and Frye

Absent: Council President Peters - Dist. 1 (Absent for items 2 and 3)
Council President Pro Tem Young - Dist. 4 (Not present for the meeting.)
Councilmember Maienschein - Dist. 5 (Absent for Item CS-4 (left at 9:29 a.m.))
Councilmember Madaffer - Dist. 7 (Absent for Item CS-1)
Councilmember Huesto - Dist. 8 (Absent for Item CS-1)

CLOSED SESSION ITEMS:

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):

CS-1 *Paul Lopez, et al. v. City of San Diego, et al.*
San Diego Superior Court GIC 861792

DCA assigned: J. Riley

Motion: Authorize settlement in the amount of \$85,000.
Moved: Councilmember Atkins - Dist. 3
Seconded: Councilmember Faulconer - Dist. 2
Vote: 5/0 [Passed]
Absent: Council President Pro Tem Young - Dist. 4
Councilmember Madaffer - Dist. 7
Councilmember Hueso - Dist 8

**Reported out in Open Session on March 27, 2007, at 2:06 p.m. by Karen Heumann,
Assistant City Attorney:**

The City Council voted in Closed Session in the matter of *Paul Lopez, et al. v. City of San Diego, et al.*, San Diego Superior Court GIC 861792, to authorize settlement in the amount of \$85,000. Motion by Councilmember Atkins, second by Councilmember Faulconer. The item passed 5 to 0 with Councilmembers Young, Madaffer, and Hueso absent.

**CS-2 *Fairway Views L.L.C. and La Jolla Country Club, a Mutual Benefit Nonprofit Corporation, et al. vs. City of San Diego*
City Files # LP06-0705-2355 & 0182**

DCA assigned: R. Palmucci

Motion: Authority to settlement of the claims in the amount of \$35,149.83
and \$34,966.90.
Moved: Councilmember Frye - Dist. 2
Seconded: Councilmember Madaffer - Dist. 7
Vote: 6/0 [Passed]
Absent: Council President Peters - Dist. 1
Council President Pro Tem Young - Dist. 4

**Reported out in Open Session on March 27, 2007, at 2:06 p.m. by Karen Heumann,
Assistant City Attorney:**

The City Council voted in Closed Session in the matter of *Fairway Views L.L.C. and La Jolla Country Club v. City of San Diego* to authorize settlement of the claims in the amount of \$35,149.83 and \$34,966.90 with a motion by Councilmember Frye - a second by Councilmember Madaffer. The item passed 6 to 0 with Councilmember Young and Council President Peters absent.

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

CS-3 *Citizens for Responsible Equitable Environmental Development v. City of San Diego*
San Diego Superior Court Case No. GIC871259

Affordable Housing Coalition of San Diego County v. City of San Diego, et al.
Appeal Case No. D049665 San Diego Superior Court Case No. GIC 857723

Citizens for Responsible Equitable Environmental Development, et al. v. City of San Diego, et al.
Court of Appeal Case No. D049637; San Diego Superior Court Case No. GIC 858098

Citizens for Responsible Equitable Environmental Development, et al. v. City of San Diego
San Diego Superior Court Case No. GIC876017

DCA assigned: M. Dickenson

Motion: Approve the settlement agreement.
Moved: Councilmember Frye - Dist. 6
Seconded: Councilmember Atkins - Dist. 2
Vote: 6/0 [Passed]
Absent: Council President Peters - Dist. 1
Council President Pro Tem Young - Dist. 4

Reported out in Open Session on March 27, 2007, at 2:06 p.m. by Karen Heumann, Assistant City Attorney:

The City Council voted in Closed Session in the matter of *Affordable Housing Coalition of San Diego County v. City of San Diego* to authorize settlement, a summary of which will be provided on our online Report.

The following is a summary of the settlement:

The settlement proposal is that the Petitioner will (1) dismiss the *Affordable Housing* matter with prejudice and (2) accept \$75,000 as full compensation for Petitioners' costs and attorneys' fees in *all* of the above-referenced matters.

The City has to consider:

1. Adopting an ordinance that prohibits the conversion of more than 1,000 rental housing units per calendar year;
2. Adopting an ordinance that requires the City, prior to the approval of any applications for the conversion of rental housing units to condominiums, to survey the tenants of the units regarding the effects such conversion may have on them, and issue an annual report on the results of the surveys; and

3. Adopting an ordinance requiring adequate security to ensure the completion of building improvements required as a condition of any tentative map or tentative map waiver for the conversion of rental housing units to condominiums.

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

DCA assigned: W. Gersten/D. Buljat

Nothing to report

*******FOLLOW UP REPORT OUT FOR ITEM CS-4 FROM THE DECEMBER 4, 2006, CLOSED SESSION MEETING LISTED BELOW:**

CS-4 Number of Cases: One (First San Diego River Project)

Reported out in Open Session on March 27, 2007, at 2:06 p.m. by Karen Heumann, Assistant City Attorney:

The City Council voted in Closed Session to initiate litigation against 1500 defendants for damages for breach of contract, nuisance, and declaratory relief on December 4, 2006, in the matter of *First San Diego River Project*. The complaint was filed on January 5; five weeks after the City Council authorized the litigation. The vote by the City Council to authorize the litigation was due to the statute of limitations but was not reportable under the Brown Act at that time because the desire to hold service at that time and the concern that disclosure could interfere with service of process. Motion by Council President Peters - second by Councilmember Madaffer. The vote passed 5 to 0 with Councilmember Faulconer, Councilmember Maienschein, and Councilmember Hueso absent.

REPORTED BY: _____
Karen Heumann
Assistant City Attorney