

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, JULY 30 AND 31, 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 July 30 and 31, 2007, as follows:

CLOSED SESSION MEETING FOR MONDAY, JULY 30, 2007

Closed Session Items were heard on Tuesday, July 31, 2007.

CLOSED SESSION MEETING FOR TUESDAY, JULY 31, 2007

ROLL CALL:

Present: Mayor Jerry Sanders, Council President Pro Tem Young; and Councilmembers Falconer, Atkins, Frye, and Madaffer

Absent: Council President Peters - Dist. 1 (Absent for Item CS-1, 2, and 3)
Councilmember Maienschein - Dist. 5 (Absent for the meeting.)
Councilmember Hueso - Dist. 8 (Absent for Items CS-1, 2, 3, 5, 6, and 7)

CLOSED SESSION ITEMS:

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

**CS-1 *McGuigan v. City of San Diego*
San Diego Superior Court Case No. GIC 849883**

EACA Assigned: D. McGrath

Motion: Settle attorney fees for \$1.6 million in three annual installments over a three-year period. These payments will be credited against the City's obligation under the Settlement Agreement and Judgment to pay an additional \$73 million to SDCERS.

Moved: Councilmember Madaffer - Dist. 7

Seconded: Councilmember Frye - Dist. 6

Vote: 5/0 [Passed]

Absent: Council President Peters - Dist. 1
Councilmember Maienschein - Dist. 5
Councilmember Hueso - Dist. 8

**Reported out in Open Session on July 31, 2007, at 2:00 p.m. by Karen Heumann,
Assistant City Attorney:**

The City Council voted today on CS Item-1, *McGuigan v. City of San Diego*, San Diego Superior Court Case No. GIC 849883, to authorize settlement of attorney fees. The City of San Diego will pay Attorney Michael Conger \$1.6 million in three annual installments over a three-year period. These payments will be credited against the City's obligation under the Settlement Agreement and Judgment to pay an additional \$73 million to SDCERS. The motion by Councilmember Madaffer – second by Councilmember Frye. Motion passed 5 to 0 with Council President Peters and Councilmembers Maienschein and Hueso absent.

**CS-2 *Harvey Furgatch v. San Diego Unified Port District, et al.*
San Diego Superior Court Case No. GIC 775242**

CDCA Assigned: H. Carlyle and DCA Assigned: J. Riley

Nothing to report

**CS-3 *Jose Bautista Antero, et al v. City of San Diego, et al*
San Diego Superior Court Case No. GIC 879838**

DCA Assigned: M. Herrin

Nothing to report

**CS-4 *City of San Diego v. Sunroad Enterprises et al.*
San Diego Superior Court Case No. GIC 877054**

DCA Assigned: C. Brock

Nothing to report

**CS-5 *San Diego Police Officers' Association v. Michael Aguirre, et al.* [POA1]
United States District Court Case No. 05 CV 1581 H**

EACA assigned: D. McGrath

Nothing to report

**CS-6 *Marcus Abbe, et al. [190+ Individual Police Officers] v. City of San Diego* [POA2]
United States District Court Case No. 05 CV 1629 DMS; 06 CV 0538**

EACA Assigned: D. McGrath

Nothing to report

**CS-7 *Erica Aaron, et al. v. Michael Aguirre, et al.* [POA3]
United States District Court Case No. 06 CV 1451 H**

EACA Assigned: D. McGrath

Nothing to report

CS-8 *City of San Diego v. MBM Associates, et al.*
aka FSDRIP (San Diego River Project)
San Diego Superior Court Case No. GIC 878013

DCA Assigned: J. Cordileone

Nothing to report

REPORTED BY: _____

Karen Heumann
Assistant City Attorney