

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR TUESDAY, MAY 30, 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 Meeting of May 30, 2006, as follows:

CLOSED SESSION MEETING FOR MONDAY, MAY 29, 2006

There was not a Closed Session on Monday, May 29, 2006, due to the Holiday.

CLOSED SESSION MEETING FOR TUESDAY, MAY 30, 2006

ROLL CALL:

Present: All present

Absent:

CLOSED SESSION ITEMS:

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

**CS-1 *Building Industry Association of San Diego County, Inc. v City of San Diego*
San Diego Superior Court Case No. GIC 817064**

DCA: D. Karlin

Motion: To retain co-counsel of Charles Christianson to file a motion to reconsider and other related motions in the BIA case.

Moved: Council President Peters – Dist. 1

Seconded: Councilmember Atkins – Dist. 3

Vote: 7/1 (Councilmember Madaffer - Dist. 7 (NAY)) [Passed]

Reported out in Open Session on May 30, 2006, by Karen Heumann, Assistant City Attorney: In the matter of the Building Industry Association v. the City of San Diego, the City Council voted with a motion by Council President Peters and a second by Councilmember Atkins - 7 to 1 with the no vote being Councilmember Madaffer. - The motion to retain co-counsel of Charles Christianson to file a motion to reconsider and other related motions in the BIA case.

**CS-2 *McGuigan v. City of San Diego*
San Diego Superior Court Case No. GIC849883**

CA M. Aguirre/D. McGrath

Motion: - Retain Latham & Watkins to defend the lawsuit
 - Kris Wilkes (outside counsel) report to Closed Session regularly
 - Up to \$300,000 from unappropriated reserves.
Moved: Council President Peters – Dist. 1
Seconded: Councilmember Hueso – Dist. 8
Vote: 8/0 (Unanimous)

Reported out in Open Session on May 30, 2006 On the McGuigan v. City of San Diego matter, the City Council voted with a motion of 8 to 0 with a motion by Council President Peters and the second by Councilmember Hueso to retain the law firm of Latham and Watkins to defend in that suit. To ask that Counsel, in this case Chris Wilkes or other counsel, to report to Closed Session regularly to give updates on the matter, and authorize up to \$300,000 from the unappropriated reserves.

REPORTED BY: _____
Karen Heumann
Assistant City Attorney