

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, APRIL 20 AND 21, 2015  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 ‘C’ STREET  
SAN DIEGO, CA 92101**

**REPORTING THE RESULTS OF THE CLOSED SESSION MEETING**

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. Executive Assistant City Attorney Paul E. Cooper reports the results of the Closed Session meeting of April 20 and 21, 2015, as follows:

**CLOSED SESSION MEETING FOR MONDAY, APRIL 20, 2015**

(Closed Session Items were heard on Tuesday, April 21, 2015.)

**CLOSED SESSION MEETING FOR TUESDAY, APRIL 21, 2015, AT 9:00 A.M.**

**ROLL CALL:**

Present: Council President Lightner and Councilmembers Zapf, Gloria, Cole, Cate, and Sherman.

Absent: Mayor Faulconer, absent for the meeting.  
Councilmember Kersey, Council District 5, absent for CS-1, CS-2, and CS-4.  
Councilmember Alvarez, Council District 8, absent for the meeting.  
Council President Pro Tem Emerald, Council District 9, absent for the meeting.

**CLOSED SESSION ITEMS:**

**Conference with Legal Counsel – existing litigation, pursuant to California Government Code section 54956.9(d)(1):**

**CS-1 *Citizens for Odor Nuisance Abatement v. City of San Diego, et al.***  
San Diego Superior Court Case No. 37-2013-00080906-CU-MC-CTL  
Risk Management Claim File No. 8986

DCA Assigned: G. Spitzer

Report: Nothing to report.

**CS-2 *San Diegans for Open Government v. Jan Goldsmith, et al.***

San Diego Superior Court Case No. 37-2014-00000217-CU-MC-CTL

DCA Assigned: D. Karlin

Report: Nothing to report.

**CS-3 *San Diego Transportation Association, et al. v. San Diego Metropolitan Transit System, et al.***

San Diego Superior Court Case No. 37-2015-00008725-CU-TT-CTL

DCA Assigned: M. Wharton

Report: Nothing to report.

**Conference with Legal Counsel – anticipated litigation – initiation of litigation, pursuant to California Government Code section 54956.9(d)(4):**

**CS-4 Number of Cases: One**

DCA Assigned: M. Wharton

Motion: To submit an *amicus curiae* letter brief

Moved: Councilmember Sherman, District 7

Seconded: Council President Lightner, District 1

Vote: Passed 6 to 0 with Councilmembers Kersey, Alvarez, and Emerald absent.

Report: This item was reported out by Chief Deputy City Attorney John Hemmerling on Tuesday, April 21, 2015, at 4:03 p.m.

The City Council voted on Closed Session Item Number Four, to submit an *amicus curiae* letter to the California Supreme Court in the case of *Jacks, et al. v. City of Santa Barbara*. The Court of Appeal held that a utility surcharge collected pursuant to a franchise agreement constituted a tax pursuant Proposition 218. The City Attorney will submit an *amicus curiae* letter in support of the City of Santa Barbara's request that the Supreme Court review the Court of Appeals decision.

REPORTED BY:           /s/ Paul E. Cooper            
Paul E. Cooper  
Executive Assistant City Attorney