

**THE CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, APRIL 24 and 25, 2006  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**REPORTING RESULTS OF THE 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 April 24 and 25, 2006, as follows:

**CLOSED SESSION MEETING FOR MONDAY, APRIL 24, 2006**

Closed Session Items were heard on Tuesday, April 25, 2006.

**CLOSED SESSION MEETING OF TUESDAY, APRIL 25, 2006:**

**ROLL CALL:**

Present: Mayor Jerry Sanders, Council President Peters, and Councilmembers Faulconer, Atkins, Frye, Madaffer, and Hueso

Absent: Council President Pro Tem Young – Dist. 4 (Absent for Item CS-2 in the afternoon only.)  
Councilmember Maienschein – Dist. 5 (Absent for the meeting.)

**CLOSED SESSION ITEMS:**

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

**CS-1 *Reinhold Metzger, et al. v. City of San Diego, et al.*  
San Diego Superior Court Case No. GIC 831229**

DCA assigned: D. Brodie

Nothing to report

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

**CS-2 Mercado Project DDA, Exercise of Right of Reverter and Potential Litigation**

DCA assigned: C. Leone

ITEM HEARD ON TUESDAY, APRIL 25, 2006, AT 9:55 A.M. AND ITEM CONTINUED TO THE AFTERNOON AFTER THE REGULAR OPEN SESSION MEETING. THE AFTERNOON CLOSED SESSION MEETING STARTED AT 4:00 P.M.

Motion: Initiate Litigation or Intervene  
Moved: Councilmember Hueso – Dist. 8  
Seconded: Councilmember Madaffer – Dist. 7  
Vote: 6/0 [Passed]  
Absent: Council President Pro Tem Young  
Councilmember Maienschein

Reported out in Open Session on April 24, 2006, at 4:40 p.m. by Karen Heumann, Assistant City Attorney: That the Agency and City file a civil suit against the developer, Mercado Alliance, LLC, for breach of contract to recover the Agency's and City's damages.

**Conference with Labor Negotiator, pursuant to Government Code section 54957.6:**

**CS-3 Agency negotiator:** Scott Chadwick, J. Rod Betts, Julie Dubick, Lisa Briggs, Jay Goldstone, Rich Snapper, Scott Chadwick, Val VanDeweghe, Jessica Falk Michelli William Gersten

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

DCA assigned: J. Falk Michelli

Nothing to report

REPORTED BY: \_\_\_\_\_  
Karen Heumann  
Assistant City Attorney