

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, OCTOBER 9 AND 10, 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 Meetings of October 9 and 10, 2006, as follows:

CLOSED SESSION MEETING FOR MONDAY, OCTOBER 9, 2006

Closed Session Items were heard on Tuesday, October 10, 2006.

CLOSED SESSION MEETING FOR TUESDAY, OCTOBER 10, 2006

ROLL CALL:

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

Absent: 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 *Michael Barney v. City of San Diego*
San Diego Superior Court Case No. GIC 853548**

DCA assigned: J. Riley

Nothing to report

CS-2 *Cal Johnson, et al. v. Thomas Distabile, et al.*
San Diego Superior Court Case No. GIC 782977

DCA assigned: R. Walters

Nothing to report

CS-3 *Linda J. Morgan and Renee Hill v. City of San Diego*
San Diego Superior Court Case No. GIC 849127

DCA assigned: M. Stiffler

Motion: Defend Litigation
Moved: Councilmember Atkins – Dist. 3
Seconded: Councilmember Madaffer – Dist. 7
Vote: 7/0 [Passed unanimously]
Absent: Councilmember Maienschein – Dist. 5

Reported out in Open Session on October 10, 2006, by Karen Heumann, Assistant City Attorney:
Today in Closed Session, the City Council voted unanimously 7-0 to defend the litigation in the *Matter of Linda J. Morgan and Rene Hill vs. the City of San Diego*, with a motion by Councilmember Atkins; second by Council Member Madaffer; Councilmember Maienschein not present.

CS-4 *Friends of Fox Canyon Park v. City of San Diego*
San Diego Superior Court Case No. GIC 864623

DCA assigned: M. Dickenson

Motion: Approve settlement
Moved: Councilmember Madaffer – Dist. 7
Seconded: Councilmember Atkins – Dist. 3
Vote: 6/1 [Passed] Council President Peters (Dist. 1) voted No.
Absent: Councilmember Maienschein – Dist. 5

Reported out in Open Session on October 10, 2006, by Karen Heumann, Assistant City Attorney:
Today in Closed Session, *In the Matter of Friends of Fox Canyon Park vs. City of San Diego*, the City Council voted to approve a settlement offer by the Petitioners which requires the City to docket rescission of the Site Development Permit and the Mitigated Negative Declaration for the Fox Canyon Park and Road Project. If the Site Development Permit and the Mitigated Negative Declaration are rescinded, the lawsuit will be dismissed in its entirety and the City will pay petitioner \$5,000 in legal fees to resolve the litigation. Motion by Councilmember Madaffer; second by Councilmember Atkins. The vote was 6-1 with Council President Peters voting No and Councilmember Maienschein not present.

Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:

CS-5 Property:	A portion of the closed South Chollas Landfill
Agency Negotiator:	Elmer Heap, Jr., Director, Environmental Services Department
Negotiating Parties:	Paragon Practice Park, LLC
Under Negotiation:	A long-term development lease

DCA assigned: G. Lowenberg

Motion: Accept recommendation to terminate negotiations.
Moved: Councilmember President Pro Tem Young - Dist. 4
Seconded: Councilmember Madaffer – Dist. 7
Vote: 7/0 [Passed unanimously]
Absent: Councilmember Maienschein – Dist. 5

Reported out in Open Session on October 10, 2006 by Karen Heumann, Assistant City Attorney:
Today in Closed Session, regarding the *Real Property Negotiations for the South Chollas Land Fill*, the City Council voted unanimously 7-0, to formally terminate negotiations with Paragon Practice Park, LLC and to prepare and expedite a request for proposals for recreational use, of the South Chollas Land Fill site, which will bring value to the community and be compatible with both the closed landfill and potential power production facilities at or near the site. This RFP Process is to be timed with the nine-month grading project that is planned at that site to ensure that the RFP Process is completed at the earliest possible time. The motion was by Councilmember Young; second by Councilmember Madaffer; Councilmember Maienschein not present.

REPORTED BY: _____

Karen Heumann
Assistant City Attorney