

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, OCTOBER 15 AND 16, 2012
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH 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. Assistant City Attorney Mary Jo Lanzafame reports the results of the Closed Session Meeting of October 15 - 16, 2012, as follows:

CLOSED SESSION MEETING FOR MONDAY, OCTOBER 15, 2012

(Closed Session Items were heard on Tuesday, October 16, 2012, at 9:00 a.m.)

CLOSED SESSION MEETING FOR TUESDAY, OCTOBER 16, 2012

ROLL CALL:

Present: Council President Young, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, Zapf, and Alvarez

Absent: Mayor Sanders (Absent for the meeting.)
Councilmember DeMaio – Dist. 5 (Absent for Items CS-1 and CS-2.)
Councilmember Emerald – Dist. 7 (Absent for Items CS-1 and CS-2.)

CLOSED SESSION ITEMS:

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

CS-1 *Sydney Weisblat v. City of San Diego*
San Diego Superior Court Case No. GIC 871893

CDCA Assigned: J. Cordileone

Motion: Approve City Attorney's recommendation to refrain from seeking appellate review.

Moved: Councilmember Gloria – Dist. 3

Seconded: Councilmember Lightner – Dist. 1

Vote: Passed 6 to 2 with Councilmembers DeMaio and Emerald absent.

Report: This item was reported out by Chief Deputy City Attorney Mary Nuesca on Tuesday, October 16, 2012, at 3:40 p.m.

The City Council voted on Closed Session Item No. 1, *Sydney Weisblat v. City of San Diego*, San Diego Superior Court Case No. GIC 87189, to refrain from seeking appellate review of the judgment by the trial court. This matter is a challenge to the City's proper collection of the Rental Unit Business Tax.

The motion passed 6 to 0, with Councilmembers DeMaio and Emerald absent.

CS-2 *Roger Cary v. City of San Diego, et al.*
San Diego Superior Court Case No. 37-2011-00098841-CU-PO-CTL

DCA Assigned: B. Hsu

Report: Nothing to report.

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

CS-3 Number of Cases: One

Motion: Continue to December 3, 2012.

Moved: Councilmember DeMaio – Dist. 5

Seconded: Council President Pro Tem Faulconer – Dist. 2

Vote: Passed unanimously 8 to 0

Report: This item was reported out by Chief Deputy City Attorney Mary Nuesca on Tuesday, October 16, 2012, at 3:40 p.m.

The City Council voted on Closed Session Item No. 3 to continue the matter to December 3, 2012. This item pertains to Council considering whether to initiate litigation.

This motion passed unanimously.

REPORTED BY: /s/ Mary Jo Lanzafame
Mary Jo Lanzafame
Assistant City Attorney