

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, JANUARY 28-29, 2013
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 January 29, 2013, as follows:

CLOSED SESSION MEETING FOR MONDAY, JANUARY 28, 2013

(Closed Session Items were heard on Tuesday, January 29, 2013.)

CLOSED SESSION MEETING FOR TUESDAY, JANUARY 29, 2013, AT 9:00 A.M.

(NOTE: The Closed Session Meeting was held at 9:00 a.m. and continued to 11:36 a.m.)

ROLL CALL FOR 9:00 A.M. CLOSED SESSION:

Present: Mayor Filner, Council President Gloria, Council President Pro Tem Lightner, and Councilmembers Kersey, Zapf, Sherman, Alvarez, Emerald

Absent: Councilmember Faulconer, Council District 2, absent for the meeting. Councilmember Emerald, Council District 9, was absent for CS-1 and a portion of CS-2.

CLOSED SESSION ITEMS:

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

CS-1 *Mary G. Ostenson, et al. v. City of San Diego*

San Diego County Superior Court Case No. 37-2011-00101481-CU-NP-CTL

DCA Assigned: B. Hsu

Report: Nothing to report.

CS-2 *City of San Diego v. Therapeutic Healing Corporation, et al.*

San Diego County Superior Court Case No. 37-2011-00102573-CU-MC-CTL

City of San Diego v. Brutus Collective, Inc., et al.

San Diego County Superior Court Case No. 37-2011-00099360-CU-MC-CTL

City of San Diego v. Therapeutic Healing Corporation, et al.

San Diego County Superior Court Case No. 37-2011-00102573-CU-MC-CTL

City of San Diego v. Rosecrans Herbal Care, Inc., et al.

San Diego County Superior Court Case No. 37-2012-00094243-CU-MC-CTL

City of San Diego v. John I. Nobel, et al.

San Diego County Superior Court Case No. 37-2011-00099050-CU-MC-CTL

City of San Diego v. John David Bols, et al.

San Diego County Superior Court Case No. 37-2011-00099781-CU-MC-CTL

City of San Diego v. GJ San Diego, Inc. et al.

San Diego County Superior Court Case No. 37-2011-00100391-CU-MC-CTL

City of San Diego v. Joint Healing Inc., et al.

San Diego County Superior Court Case No. 37-2011-00100418-CU-MC-CTL

City of San Diego v. PCSD, Inc., et al.

San Diego County Superior Court Case No. 37-2011-00100484-CU-MC-CTL

City of San Diego v. Golden West Collective, Inc., et al.

San Diego County Superior Court Case No. 37-2011-00103254-CU-MC-CTL

City of San Diego v. San Diego Organic Wellness Association Inc., et al.

San Diego County Superior Court Case No. 37-2011-00102929-CU-MC-CTL

City of San Diego v. Martha L. Vitale Trust, et al.

San Diego County Superior Court Case No. 37-2011-00099364-CU-MC-CTL

DCA Assigned: D. Silva-Martinez and G. Brannan

Motion: See below.

Moved: Council President Pro Tem Lightner, District 1

Seconded: Councilmember Alvarez, District 9

Vote: Passed 7 to 0 with Councilmember Faulconer absent and Council District 4 vacant.

Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, January 29, 2013, at 2:34 p.m.

Today, in Closed Session, the City Council voted on Closed Session Item No. CS-2 to direct the City Attorney not to dismiss the subject cases; that the Mayor will enforce existing law; that this vote does not constitute a vote in favor of any particular zoning; to direct the City Attorney and Mayor to bring a zoning ordinance to Council similar to what was previously adopted, for discussion purposes, post-haste; and to direct the City Attorney to also look into whether an ordinance could be adopted as an emergency ordinance. This matter involves civil enforcement actions which were filed against marijuana dispensary operators and property owners to compel compliance with the City's zoning laws.

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

CS-3 Number of Cases: One

Report: Nothing to report.

Conference with Labor Negotiators pursuant to California Government Code section 54957.6:

CS-4 Conference with Labor Negotiators

DCA Assigned: Not Assigned

NOTE: This item was heard at the end of the first morning session (9:50-10:00 a.m.) and at the second morning session (11:36-12:18 p.m.) on Tuesday, January 29, 2013.

ROLL CALL FOR 11:36 A.M. CLOSED SESSION:

Present: Mayor Filner, Council President Gloria, Council President Pro Tem Lightner, and Councilmembers Kersey, Zapf, Sherman, Alvarez, and Emerald.

Absent: Councilmember Faulconer, Council District 2, absent for the meeting. Mayor Filner was absent for a portion of this meeting.

Conference with Labor Negotiators pursuant to California Government Code section 54957.6:

CS-4 Conference with Labor Negotiators

DCA Assigned: Not Assigned

Report: Nothing to report.

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