

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, NOVEMBER 5, 2007
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Public testimony for this Closed Session Agenda will be taken today during the 2:00 p.m. Council meeting.**

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

**CS-1 *City of San Diego v. Willkie Farr and Gallagher, LLP*
San Diego Superior Court Case No. 37-2007-00072584-CU-BT-CTL**

EACA Assigned: D. McGrath

This is a lawsuit filed by the City of San Diego against Willkie Farr and Gallagher, LLP. In Closed Session, the Executive Assistant City Attorney and Bryan Vess will brief the Mayor and City Council on the litigation's status.

**CS-2 *George Isbell, et al. v. City of San Diego*
U.S.D.C. Southern District of California Case No. 98cv0688**

DCA Assigned: R. Walters

This matter is an action filed by George Isbell, Jr., and G&B Emporia Inc., challenging the City's zoning ordinance for the location of Plaintiffs' adult entertainment business. In Closed Session, the City Attorney will brief the City Council on the status of the matter and request appropriate action including settlement of the litigation, which is now before the Ninth Circuit.

CS-3 *American Tower Corporation v. City of San Diego, et. al*
United States District Court Case No. 07cv0399 LAB (NLS)

DCA Assigned: C. Fitzgerald

This case arises from Plaintiff American Tower Corporation's [ATC] request for approval of 8 Conditional Use Permits [CUPs] to continue operation of existing wireless facilities in the City of San Diego. ATC challenges City's decisions regarding these CUPs and also claims that City's wireless facilities regulations are preempted under the Telecommunications Act of 1996. The City Attorney will update the Mayor and City Council on the status of the litigation in Closed Session.