

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, JANUARY 24 AND 25, 2005  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**ROLL CALL:**

Present (Monday): Mayor Dick Murphy, Councilmembers Peters, Zucchet, Atkins, Young, Frye, Madaffer, and Inzunza

Absent (Monday): Councilmember Maienschein – Dist. 5 (Absent for Items CS-2 and CS-5 only)

**REPORTING RESULTS OF CLOSED SESSION MEETING**

The following are the results of the Closed Session Meetings of January 24 and 25, 2005, as reported by Assistant City Attorney Les Girard:

**CLOSED SESSION MEETING OF MONDAY, JANUARY 24, 2005:**

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

**CS-1 *7-Eleven v. City of San Diego, et al.*  
San Diego County Superior Court Case No. GIC 837831**

DCA: Silva

Nothing to report

**CS-2 *Del Mar Union School District V. City of San Diego (AME)*  
Riverside County Superior Court Case No. RIC 390648**

***Del Mar Union School District v. City of San Diego (Nexus)*  
Riverside County Superior Court Case No. RIC 390673**

DCA: Silva

Motion: Seek Appellate Review  
Moved: Councilmember Madaffer – Dist. 7  
Seconded: Councilmember Zucchet – Dist. 2  
Vote: 7/1 (Councilmember Frye (Dist. 6) – Nay) [Passed]  
Absent: Councilmember Maienschein – Dist. 5

Reported out in Open Session on January 25, 2005: Seek Appellate Review

**CS-3 *Gleason v. San Diego City Employees' Retirement System*  
San Diego Superior Court Case No. GIC 803779**

DCA assigned: Morris

ITEM HEARD ON TUESDAY, JANUARY 25, 2005

**CS-4 *Border Business Park v. City of San Diego*  
Appellate Case No. D039225; SDSC Case No. GIC 692794  
*Otay Acquisitions v. City of San Diego*  
SDSC Case No. GIC 753247  
*National Enterprises, Inc. v. City of San Diego*  
SDSC Case Nos. GIC 791407; GIC 805465**

ACA assigned: Girard

Off-calendar

**CS-5 *Howard Jarvis Taxpayers Ass. v. City of San Diego*  
San Diego Superior Court No. GIC 706260**

ACA Girard

Motion: Refrain from Seeking Appellate Review  
Moved: Councilmember Madaffer – Dist. 7  
Seconded: Councilmember Zucchet – Dist. 2  
Vote: 8/0 [Passed]  
Absent: Councilmember Maienschein – Dist. 5

Reported out in Open Session on January 25, 2005: Refrain from Seeking Appellate Review

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

**CS-6** Agency negotiators: Lamont Ewell, Cathy Lexin, Mike McGhee

Employee organizations: Municipal Employees Association, Local 127 AFSCME, AFL-CIO, Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association

HDCA assigned: Morris

Nothing to report

**CLOSED SESSION MEETING OF TUESDAY, JANUARY 25, 2005:**

**ROLL CALL:**

Present (Tuesday): Mayor Dick Murphy, Councilmembers Peters, Zucchet, Atkins, Young, Maienschein, Frye, Madaffer, and Inzunza

Absent (Tuesday): All present

**CLOSED SESSION ITEMS:**

**CS-3 *Gleason v. San Diego City Employees' Retirement System*  
San Diego Superior Court Case No. GIC 803779**

DCA assigned: Morris

Motion: Refrain from Seeking Appellate Review  
Moved: Councilmember Inzunza – Dist. 8  
Seconded: Councilmember Madaffer – Dist. 7  
Vote: Unanimous [Passed]  
Absent: All present

Reported out in Open Session on February 1, 2005: Refrain from Seeking Appellate Review