

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY, TUESDAY, AND WEDNESDAY  
DECEMBER 4, 5, AND 6, 2006  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**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 December 4, 5, and 6, 2006, as follows:

**CLOSED SESSION MEETING FOR MONDAY, DECEMBER 4, 2006**

Closed Session Items were heard on Tuesday and Wednesday, December 5 and 6, 2006.

**CLOSED SESSION MEETING FOR TUESDAY, DECEMBER 5, 2006**

**ROLL CALL:**

Present: Mayor Jerry Sanders, Council President Peters, Atkins, and Frye

Absent: Councilmember Faulconer - Dist. 2 (Absent for Item CS-4)  
Council President Pro Tem Young - Dist. 4 (Absent for Item CS-1)  
Councilmember Maienschein - Dist. 5 (Absent for Items CS-4 and CS-5 (left at 5:40 p.m.))  
Councilmember Madaffer - Dist. 7 (Absent for Item CS-5 (left at 5:40 p.m.))  
Councilmember Hueso - Dist. 8 (Absent for Item CS-4)

**CLOSED SESSION ITEMS:**

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

**CS-1 *Anja Freeman v. City of San Diego, et al.*  
San Diego Superior Court Case No. GIC 844968**

ACA Assigned: E. Gordon

Nothing to report

**CS-2 *Michael Shames v. City of San Diego*  
San Diego Superior Court Case No. GIC 831539**

DCA Assigned: J. Riley

Continued to Wednesday, December 6

**CS-3 *County of Santa Clara et al v Atlantic Richfield Co. et al*  
Santa Clara County Superior Court Case No. CV 7888657**

CDCA Assigned: Sim von Kalinowski

Motion: Initiate Litigation  
Moved: Council President Peters - Dist. 1  
Seconded: Councilmember Hueso - Dist. 8  
Vote: 8/0 [Passed-Unanimously]  
Absent: All Present

**Reported out in Open Session on December 5, 2006, by Karen Heumann, Assistant City Attorney:**

The City Council voted today in Closed Session to join in the litigation, *County of Santa Clara et al. v. Atlantic Richfield*, Santa Clara County Superior Court Case No. CV788657, a lawsuit by California public entities against lead paint manufacturers to abate the dangers of lead paint. The motion was made by Council President Peters, second by Councilmember Hueso. Approved 8 to 0.

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

**CS-4 Number of Cases: One (First San Diego River Project)**

DCA Assigned: J. Cordileone

Nothing to report

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

**CS-5 Agency Negotiator:** Scott Chadwick, J. Rod Betts, Lisa Briggs, Rich Snapper, Jessica Falk Michelli William Gersten, Joe Harris, Rick Reynolds

**Employee Organizations:** Municipal Employees Association, Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, Deputy City Attorney Association, AFSCME Local 127

DCA Assigned: D. Buljat and W. Gersten

December 5: Reported out in Open Session by Mayor Jerry Sanders that there is an impasse.

**CLOSED SESSION MEETING FOR WEDNESDAY, DECEMBER 6, 2006**

**ROLL CALL:**

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

Absent: Councilmember Maienschein - Dist. 5 (Absent for the meeting.)  
Councilmember Hueso - Dist. 8 (Arrived at 8:30 a.m.)

**CLOSED SESSION ITEM:**

**CS-2 *Michael Shames v. City of San Diego*  
San Diego Superior Court Case No. GIC 831539**

DCA Assigned: J. Riley

Motion: Acceptance of Signed Settlement Offer  
Moved: Councilmember Frye - Dist. 6  
Seconded: Councilmember Atkins - Dist. 3  
Vote: 7/0 [Passed]  
Absent: Councilmember Maienschein - Dist. 5

Reported out in Open Session on December 6, 2006, by City Attorney Michael Aguirre:

Today in Closed Session, the City Council voted in the matter of Michael Shames v. City of San Diego, Superior Court action No. GIC 831539, to approve settlement in the amount of \$40M. The motion was made by Councilmember Frye, seconded by Councilmember Atkins. It was a vote of 7 to 0 with Councilmember Maienschein not in attendance.

REPORTED BY: \_\_\_\_\_  
Karen Heumann  
Assistant City Attorney