

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, MARCH 11 AND 12, 2013  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> 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 March 11-12, 2013, as follows:

**CLOSED SESSION MEETING FOR MONDAY, MARCH 11, 2013**

(Closed Session Items were heard on Tuesday, March 12, 2013.)

**CLOSED SESSION MEETING FOR TUESDAY, MARCH 12, 2013, AT 1:00 P.M.**

**(NOTE:** The Closed Session Meeting was held at 1:00 p.m. and continued to 4:45 p.m.)

**ROLL CALL:**

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

Absent: Council District 4, vacant.

**CLOSED SESSION ITEMS:**

**Conference with Legal Counsel – existing litigation, pursuant to California Government Code section 54956.9(d)(1):**

**CS-1 *Anthony Guy v. City of San Diego, et al.***

United States District Court Case No. 06cv00766-JM (JMA) (S.D. Cal.)

United States Ninth Circuit Case No. 11-55810

DCA Assigned: G. Schaefer

Report: Nothing to report.

**CS-2 *Michael Burke, et al. v. City of San Diego, et al.***

San Diego Superior Court Case No. 37-2011-00086969-CU-PO-CTL

DCA Assigned: J. Boardman

Motion: City to refrain from seeking appellate review

Moved: Councilmember Lightner, District 1

Seconded: Councilmember Emerald, District 9

Vote: Passed 8 to 0 with Council District 4 vacant  
Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, March 12, 2013, at 4:52 p.m.

Today, in Closed Session, the City Council voted on Closed Session Item No. 2, *Michael Burke, et al. v. City of San Diego*, San Diego Superior Court Case No. 37-2011-00086969-CU-PO-CTL. This case arises from a dangerous condition of a public property wherein a palm tree fell and struck plaintiff. The Council voted to refrain from seeking appellate review. The vote was unanimous, with Council District 4 vacant.

**CS-3** *Laura Zizzo v. City of San Diego, et al.*  
San Diego Superior Court Case No. 37-2012-00090446-CU-OE-CTL

DCA Assigned: J. Cordileone

Report: Nothing to report.

**CS-4** *City of San Diego v. San Diego City Employees' Retirement System*  
San Diego Superior Court Case No. 37-2010-00091207-CU-WM-CTL

DCA Assigned: W. Chung

Report: Nothing to report.

**CS-5** *San Diego Tourism Marketing Corporation v. Robert Earl Filner, City of San Diego*  
San Diego Superior Court Case No. 37-2013-00036019-CU-WM-CTL

DCA Assigned: K. Steinman

Report: Nothing to report.

**NOTE:** This item was also heard during the second session of the closed session meeting on Tuesday, March 12, 2013, at 4:45 p.m.

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