

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, APRIL 22 AND 23, 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 April 22-23, 2013, as follows:

CLOSED SESSION MEETING FOR MONDAY, APRIL 22, 2013

(Closed Session Items were heard on Tuesday, April 23, 2013.)

CLOSED SESSION MEETING FOR TUESDAY, APRIL 23, 2013, AT 9:00 A.M.

ROLL CALL:

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

Absent: Mayor Filner absent for the meeting.
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 *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. Golden West Collective, Inc., et al.

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

DCA's Assigned: D. Silva-Martinez
G. Brannan
C. Milligan

Motion: To reject settlement offers and direct Mayor to enforce the law

Moved: Councilmember Emerald, District 9

Seconded: Councilmember Lightner, District 1

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, April 23, 2013, at 5:08 p.m.

The City Council voted on Closed Session Item No. 1, *City of San Diego v. John I. Nobel, et al.*, San Diego County Superior Court Case No. 37-2011-00099050-CU-MC-CTL and *City of San Diego v. Golden West Collective, Inc., et al.*, San Diego County Superior Court Case No. 37-2011-00103254-CU-MC-CTL.

The City Council voted to reject the settlement offers by defendants and direct the Mayor to enforce the law. These cases are civil enforcement actions which were filed against marijuana dispensary operators and property owners to compel compliance with the City's zoning laws.

CS-2a *City of San Diego v. Kinder Morgan, et al.*

United States District Court Case No. 07-CV-1883 (MMA)

DCA Assigned: D. Bamberg, G. Lowenberg, and J. Taylor
Outside Counsel: Opper and Varco, Richard Opper

Report: Nothing to report.

CS-2b In re: the Matter of San Diego Regional Water Quality Control Board Cleanup and Abatement Order No. 92-01, Addendum No. 5 and Resolution No. R9-2012-0045 adopted in connection therewith

DCA Assigned: D. Bamberg, G. Lowenberg, and J. Taylor
Outside Counsel: Opper and Varco, Richard Opper

Motion: Authorize to seek appellate review

Moved: Councilmember Faulconer, District 2

Seconded: Councilmember Lightner, District 1

Vote: Passed 8 to 0 with Council District 4 vacant.

Report: Item 2b was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, April 23, 2013, at 5:08 p.m.

The City Council also voted on Closed Session Item No. 2b, *In re: the Matter of San Diego Regional Water Quality Control Board Cleanup and Abatement Order No. 92 01, Addendum No. 5 and Resolution No. R9-2012-0045 adopted in connection therewith.*

The City Council voted to authorize the City Attorney to file a writ seeking revocation of the permit issued to Kinder Morgan after the State Water Board failed to act within 270 days of the petition being filed. These matters involve an administrative enforcement action before the Regional Water Quality Control Board against the party responsible for contamination of the Qualcomm Stadium site.

CS-3 *Rancho San Diego-Jamul Chamber of Commerce v. City, et al.*
San Diego Superior Court Case 37-2012-00098337-CU-BC-CTL

DCA Assigned: M. McGowan

Report: Nothing to report.

Conference with Legal Counsel – significant exposure to litigation, pursuant to California Government Code section 54956.9(d)(2):

CS-4 Pre-Litigation Claim: CBS Radio
Claim No. 6612

DCA Assigned: C. Taylor

Report: Nothing to report.

CS-5 Pre-Litigation Claim: Avi Klinger
Claim No. 7177

DCA Assigned: C. Taylor

Report: Nothing to report.

CS-6 Pre-litigation Claim: San Diego Regional Airport
Claim No. 7177

DCA Assigned: C. Taylor

Report: Nothing to report.

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