

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

**CLOSED SESSION MEETING FOR MONDAY, JULY 22, 2013**

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

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

**ROLL CALL:**

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

Absent: Councilmember Emerald, Council District 9, absent for the meeting.

**CLOSED SESSION ITEMS:**

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

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

San Diego County Superior Court Case No. 37-2012-00103309-CU-OR-CTL

DCA Assigned: D. Karlin

Report: Nothing to report.

**CS-2 *Wave House Belmont Park, LLC v. City of San Diego***

San Diego County Superior Court Case No. 37-2011-00102475

***Symphony Asset Pool XVI LLC v. Wave House Belmont Park, LLC, et al.***

San Diego County Superior Court Case No. 37-2011-00093959

***In re: Wave House Belmont Park***

United States Bankruptcy Court Case No. 10-19663-LT11

DCA Assigned: G. Schaefer

Report: Nothing to report.

**Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:**

**CS-3 Property:** "Belmont Park," located at 3146 Mission Boulevard, San Diego, California, 92109

**Agency Negotiator:** Real Estate Assets Department Director James Barwick and Asset Manager Brock Ladewig

**Negotiating Parties:** City of San Diego's Real Estate Assets Department, Symphony Asset Pool XVI LLC, and Pacifica Enterprises, Inc.

**Under Negotiation:** Price and terms of payment of a new lease

DCA Assigned: H. Mendoza

Report: Nothing to report.

**Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(d)(4):**

**CS-4 Number of Cases: One**

DCA Assigned: G. Lowenberg  
C. Welch

Motion: Initiate litigation.

Moved: Councilmember Alvarez, District 8

Seconded: Councilmember Gloria, District 3

Vote: Passed 8 to 0 with Councilmember Emerald absent.

Report: This item was reported out by Chief Deputy City Attorney Mary Nuesca on Tuesday, July 23, 2013, at 4:13 p.m.

Today, in Closed Session, the City Council took the following action:

The City Council voted on Closed Session Item Number Four not to initiate litigation because the City of San Diego and Daily Disposal Services, Inc. stipulated to a Settlement of Claim and Agreement for Conditional Entry of Judgment regarding claim for Underreported Tonnage and/or Underpayment of Fees Under Class One Non-Exclusive Franchise Agreement Between the City of San Diego and Daily Disposal Services, Inc., as amended; and for Preservation of Evidence.

This matter arises from claims by the City that Daily underpaid and owes the City additional franchise fees and AB939 fees.

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