

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, JANUARY 13-14, 2014
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 January 13-14, 2014, as follows:

CLOSED SESSION MEETING FOR MONDAY, JANUARY 13, 2014

(Closed Session Items were heard on Tuesday, January 14, 2014.)

CLOSED SESSION MEETING FOR TUESDAY, JANUARY 14, 2014, AT 9:00 A.M.

ROLL CALL:

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

Absent: Councilmember Kersey, Council District 5, was absent for CS-3 and CS-5.

CLOSED SESSION ITEMS:

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

CS-1a *Cathy Lexin, et al. v. City of San Diego*

San Diego County Superior Court Case No. 37-2011-00084354-CU-MC-CTL
Fourth District – Division One Court of Appeal Case Nos. D062970 and D063856

DCA Assigned: D. Karlin

Motion: Authorize the City Attorney to seek appellate review

Moved: Councilmember Faulconer, District 2

Seconded: Councilmember Sherman, District 7

Vote: Passed unanimously 9 to 0.

Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, January 14, 2014, at 3:30 p.m.

The City Council voted on Closed Session Item Number 1-A, *Cathy Lexin, et al. v. City of San Diego*, San Diego County Superior Court Case No. 37-2011-00084354-CU-MC-CTL, Fourth District – Division One Court of Appeal Case Nos. D062970 and D063856, to authorize the City Attorney to seek appellate review.

This case involves an indemnification claim for criminal defense attorney's fees and costs incurred by six former members of the San Diego City Employees' Retirement System Board in defense of the District Attorney's felony conflict of interest action.

CS-1b *Cathy Lexin, et al. v. City of San Diego*

San Diego Superior Court Case No. 37-2011-00100142-CU-MC-CTL

DCA Assigned: D. Karlin

Motion: Authorize the City Attorney to seek appellate review

Moved: Councilmember Faulconer, District 2

Seconded: Councilmember Sherman, District 7

Vote: Passed unanimously 9 to 0.

Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, January 14, 2014, at 3:30 p.m.

The City Council also voted on Closed Session Item Number 1-B, *Cathy Lexin, et al. v. City of San Diego*, San Diego County Superior Court Case No. 37-2011-00100142-CU-MC-CTL, to authorize the City Attorney to seek appellate review.

This case involves a similar indemnification claim for attorney's fees and costs incurred in the federal criminal action.

CS-2 *The Grande North at Santa Fe Place Homeowners Association v. BOSA Development California, Inc., et al.*

San Diego County Superior Court Case No. 37-2009-98057-CU-CD-CTL

DCA Assigned: C. Leone

Motion: Authorize the City Attorney to seek appellate review

Moved: Councilmember Lightner, District 1

Seconded: Councilmember Sherman, District 7

Vote: Passed unanimously 9 to 0.

Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, January 14, 2014, at 3:30 p.m.

The City Council voted on Closed Session Item Number Two, *The Grande North at Santa Fe Place Homeowners Association v. BOSA Development California, Inc., et al.*, San Diego County Superior Court Case No. 37-2009-98057-CU-CD-CTL, to authorize the City Attorney to seek appellate review.

This case involves allegations that gases from the City's sewer system have damaged cast iron piping.

CS-3 *City of San Diego v. Matosantos*

Sacramento County Superior Court Case No. 34-2013-80001411

DCA Assigned: M. Wharton

Report: Nothing to report.

CS-4 *City of Chula Vista, et al. v. Sandoval*

Sacramento County Superior Court Case No. 34-2014-80001723

DCA Assigned: M. Wharton

Report: Nothing to report.

CS-5 *City of San Diego v. Matosantos*

Sacramento County Superior Court Case No. 34-2013-80001544

DCA Assigned: M. Wharton

Report: Nothing to report.

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