

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, JANUARY 7 AND 8, 2008
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

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 January 7 and 8, 2008, as follows:

CLOSED SESSION MEETING FOR MONDAY, JANUARY 7, 2008

Closed Session Items were heard on Tuesday, January 8, 2008.

CLOSED SESSION MEETING FOR TUESDAY, JANUARY 8, 2008

ROLL CALL:

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

Absent: All present

CLOSED SESSION ITEMS:

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code Section 54956.9(b):

CS-1 *In the matter of Internal Revenue Service Voluntary Correction Program Compliance Statement*

CA: Michael Aguirre

Nothing to report

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

CS-2 Agency Negotiator: Steven Berliner, Richard Kreisler, Lisa Briggs, Scott Chadwick, Tanya Tomlinson, Thom Harpole, Abby Jarl, Hadi Dehghani, Val VanDeweghe, Jessica Falk Michelli, William Gersten, and Nooria Faizi

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

DCA's Assigned: W. Gersten/J. Falk Michelli/N. Faizi

Nothing to report

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

CS-3 *City of San Diego v. Willkie Farr and Gallagher, LLP*
San Diego Superior Court Case No. 37-2007-00072584-CU-BT-CTL

EACA Assigned: D. McGrath

Nothing to report

CS-4 *La Jolla Alta Master Council v. City of San Diego*
San Diego Superior Court Case No. GIC 822281

DCA Assigned: J. Boardman

Nothing to report

CS-5 *Philip Paulson v. City of San Diego*
United States District Court Case No. 89cv00820 GT (LSP);
United States Court of Appeals for the Ninth Circuit Case No. 07-56020

Steve Trunk and Philip Paulson v. City of San Diego, et al.
United States District Court Case No. 06cv1597 LAB (WMc)

DCA Assigned: G. Schaefer

Nothing to report*

(*Not reported out on this date (Jan. 8, 2008) due to the matter not being settled at the time. The matter is now settled and is reportable. The matter was reported out in Open Session on January 15, 2008. SEE January 15 Closed Session Meeting Report on the City's WEB site.)

CS-6 *Leslie Beebe v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC 8730820

DCA Assigned: M. Herrin

Nothing to report

CS-7 *Citizens for Responsible Equitable Environmental Development v. City of San Diego*
San Diego Superior Court Case No. GIC871259;

Citizens for Responsible Equitable Environmental Development, et al. v. City of San Diego
San Diego Superior Court Case No. GIC876017

Affordable Housing Coalition of San Diego County, et al. v. City of San Diego, et al.
Court of Appeal Case No. D049665 (San Diego Superior Court Case No. 857723)

Citizens for Responsible Equitable Environmental Development, et al. v. City of San Diego, et al.
Court of Appeal Case No. D049637 (San Diego Superior Court Case No. GIC858098)

DCA Assigned: M. Dickenson

Nothing to report

CS-8 *Friends of Rose Canyon et al v. City of San Diego*
San Diego Superior Court Case No. GIC 874140 and
San Diego Superior Court Case No.37-2007-00082383-CU-WM-CTL

Las Palmas Condominium Owners' Association et al v. City of San Diego
San Diego Superior Court Case No GIC 872000

DCA Assigned: C. Brock

Nothing to report

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

CS-9 *Affordable Housing Coalition of San Diego County, Citizens for Responsible Equitable
Environmental Development, and Aida Reyes v. City of San Diego*
San Diego Superior Court Case No. 37-2007-00075629-CU-TT-CTL

DCA Assigned: M. Dickenson

Nothing to report

REPORT OUTS FOR PRIOR CLOSED SESSION MEETINGS MADE IN OPEN SESSION
ON JANUARY 8, 2008:

Chief Deputy City Attorney Huston Carlyle reported out the results of Prior/Previous Closed Session Meetings that are now reportable.

1. July 17, 2007 Closed Session Meeting
Item CS-3: Claim: *La Jolla Cove Property Management Fairway*

In Closed Session on July 17, 2007, the City Council voted to settle the case of *La Jolla Cove Property Management Fairway and* authorize a settlement in the amount of \$250,000. The matter was recently settled and is now reportable. The motion was made by Councilmember Atkins and the second by Councilmember Madaffer. The item passed 6 to nothing with Councilmembers Maienschein and Hueso absent.

2. November 20, 2007 Closed Session Meeting
Item CS-3: *Federal Insurance Company as Subrogee of One San Diego Associates, et al. v. City of San Diego*,
Claim No. LP07-0707-1237.

On November 20, 2007, the City Counsel voted in Closed Session in the matter of *Federal Insurance Company as Subrogee of One San Diego Associates, et al. v. City of San Diego*, Claim No. LP07-0707-1237, to settle the lawsuit in the amount of \$167,285.30. The matter was recently settled and is now reportable. The motion was made by Council President Peters and the second by Councilmember Madaffer. The item passed unanimously 8 to 0.

REPORTED BY: _____

Karen Heumann
Assistant City Attorney