

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, JUNE 9 AND 10, 2008  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**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 and Chief Deputy City Attorney Huston Carlyle report the results of the Closed Session Meetings of June 9 and 10, 2008, as follows:

**CLOSED SESSION MEETING FOR MONDAY, JUNE 9, 2008**

Closed Session Items were heard on Tuesday, June 10, 2008.

**CLOSED SESSION MEETING FOR TUESDAY, JUNE 10, 2008**

**ROLL CALL:**

Present: Council President Peters, and Councilmembers Faulconer, Atkins, Young, and Frye

Absent: Mayor Sanders (Absent for Item CS-2)  
Council President Pro Tem Madaffer - Dist. 7 (Absent for Item CS-2.)  
Councilmember Maienschein - Dist. 5 (Absent for Item CS-2.)  
Councilmember Hueso - Dist. 8 (Absent for Item CS-2.)

**CLOSED SESSION ITEMS**

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

**CS-1 *Jaime Limon v. David Lamont Williams, Allied Gardens Towing, Inc., Road One West, et al.*  
San Diego Superior Court Case No. GIC  
030725**

DCA Assigned: P. Folkman

Motion: Authority to settle for \$103,500 and to put \$239,000 in trust.  
Moved: Councilmember Atkins - Dist. 3  
Seconded: Council President Pro Tem Madaffer - Dist. 7  
Vote: 8/0 [Passed Unanimously]  
Absent: All Present  
Report: Below is the report out from Closed Session made by Chief Deputy  
City Attorney Huston Carlyle in Open Session at 6:34 p.m.

Today, the City Council voted in Closed Session on Item CS-1, *Jaime Limon v. David Lamont Williams, Allied Gardens Towing, Inc., Road One West, et al.*, San Diego Superior Court Case No. GIC 030725, to authorize settlement paid to the City in the amount of \$103,500 and to put \$239,000 in trust.

The motion was made by Councilmember Atkins and the second by Council President Pro Tem Madaffer.

The motion passed unanimously 8 to 0.

**CS-2 *Valerie O'Sullivan v. City of San Diego*  
San Diego Superior Court Case No. GIC 826918  
Court of Appeal Case No. 826918**

***Animal Protection and Rescue League, et al., v. The State of California, et al.*  
United States District Court Case No. 07 cv 2320 JM AJB  
United States Court for the Ninth Circuit Case No. 08-55319**

DCA Assigned: G. Schaefer

Motion: Authority to appeal of the fees award.  
Moved: Councilmember Frye - Dist. 6  
Seconded: Councilmember Atkins - Dist. 3  
Vote: 5/0 [Passed]  
Absent: Council President Pro Tem Madaffer - Dist. 7  
Councilmember Maienschein - Dist. 5  
Councilmember Hueso - Dist. 8

Report: Below is the report out from Closed Session made by Chief Deputy City Attorney Huston Carlyle in Open Session at 6:34 p.m.

Today, the City Council voted in Closed Session on Item CS-2, *Valerie O'Sullivan v. City of San Diego*, San Diego Superior Court Case No. GIC 826918, Court of Appeal Case No. 826918; and *Animal Protection and Rescue League, et al, v. The State of California, et al.*, United States District Court Case No. 07 cv 2320 JM AJB; United States Court for the Ninth Circuit Case No. 08-55319, to authorize appeal of the fees award.

The motion was made by Councilmember Frye and the second by Councilmember Atkins.

The motion passed 5 to 0 with Council President Pro Tem Madaffer, and Councilmembers Maienschein and Hueso absent.

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

**CS-3 *Claim against Travelers Insurance related to the project known as the Demolition of Sewer Pump Station 34 and Rehabilitation of Pump Station 5.***

DCA Assigned: J. Taylor

Motion: Authority to settle for \$350,000 paid to the City plus waiver of \$100,000 for SIR (self-insured retention) and subrogation by Travelers Insurance.  
Moved: Councilmember Hueso - Dist. 8  
Seconded: Councilmember Atkins - Dist. 3  
Vote: 8/0 [Passed Unanimously]  
Absent: All Present  
Report: Below is the report out from Closed Session made by Chief Deputy City Attorney Huston Carlyle in Open Session at 6:34 p.m.

Today, the City Council voted in Closed Session on Item CS-3, Claim against Travelers Insurance related to the project known as the Demolition of Sewer Pump Station 34 and Rehabilitation of Pump Station 5, to authorize settlement for \$350,000 to be paid to the City plus waiver of \$100,000 self-insured retention and subrogation by Travelers Insurance.

The motion was made by Councilmember Hueso and the second by Councilmember Atkins.

The motion passed unanimously 8 to 0.

**CS-4 *Anticipation of litigation against SDG&E and other parties responsible for causing the 2007 brush fires and resulting property damage and other losses.***

DCA Assigned: C. Welch

Report: Nothing to report

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

**CS-5 Property:** *5036-60 Sterling Court, San Diego (south end of Winona Avenue)*

Agency Negotiator: Jim Barwick, Director, Real Estate Assets Department

Negotiating Party: Larry Zajonc

Under Negotiation: Price and terms of payment

DCA Assigned: K. Davies

Report: Nothing to report

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

**CS-6** *In the Matter of City of San Diego v. San Diego City Employees Retirement System*  
San Diego Superior Court Case No. 3702007000077604-CU-MC-CTL

EACA Assigned: D. McGrath

Report: Nothing to report

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

**CS-7** Agency Negotiator: Richard Kreisler, Scott Chadwick, Tanya Tomlinson,  
Thom Harpole, Abby Jarl, Hadi Dehghani,  
Val VanDeweghe, Jessica Falk Michelli, William Gersten,  
Lori Thacker, and Alan Hersh

Employee Organizations: Municipal Employees Association, AFSCME  
Local 127 AFL-CIO, and Deputy City Attorney  
Association

DCA Assigned: A. Hersh

Report: Nothing to report

REPORTED BY: \_\_\_\_\_  
Karen Heumann  
Assistant City Attorney