

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, DECEMBER 1 AND 2, 2008  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**REPORTING THE RESULT 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 Karen Heumann and Chief Deputy City Attorney Huston Carlyle report the results of the Closed Session Meeting of December 1 and 2, 2008, as follows:

**CLOSED SESSION MEETING FOR MONDAY, DECEMBER 1, 2008**

Closed Session Items were heard on Tuesday, December 2, 2008.

**CLOSED SESSION MEETING FOR TUESDAY, DECEMBER 2, 2008**

**ROLL CALL:**

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

Absent: Councilmember Atkins - Dist. 3 (Absent for the meeting.)

**CLOSED SESSION ITEMS:**

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

**CS-1 *Blackwater Lodge and Training Center, Inc. v. Broughton, et al.***  
United States District Court Case No. 08-CV-0926-H

CDCA Assigned: M. Severson

DCAs Assigned: C. Brock, R. Walters and G. Schaefer

Report: Nothing to report

**CS-2 *Grantville Action Group v. The City of San Diego, et al.***

San Diego County Superior Court Case No. 37-2008-0092628-CU-MC-CTL

DCA Assigned: G. Spitzer

Motion: Defend Litigation  
Moved: Council President Pro Tem Madaffer - Dist. 7  
Seconded: Council President Peters - Dist. 1  
Vote: 7/0  
Absent: Councilmember Atkins – Dist. 3  
Report: Below is the report out from Closed Session made by Chief Deputy  
City Attorney Huston Carlyle in Open Session @ 8:00 p.m.

Today, in Closed Session, the City Council and the Redevelopment Agency voted on Item CS-2 and RACS-1, in the matter of the *Grantville Action Group v. The City of San Diego, et al.*, San Diego County Superior Court Case No. 37-2008-0092628-CU-MC-CTL, to defend the litigation filed against the City and the Redevelopment Agency brought by the Grantville Action Group.

The motion was made by Council President Pro Tem Madaffer and was seconded by Council President Peters.

The motion passed 7-0 with Councilmember Atkins absent.

**CS-3 *City of San Jose v. Operating Engineers Local Union No. 3, et al.***

California Supreme Court Case No. S162647

CDCA Assigned: A. Hersh

Report: Nothing to report

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

**CS-4** Agency Negotiator: Scott Chadwick, Jay Goldstone

Employee Organization: AFSCME Local 127

CDCA Assigned: Alan Hersh

DCA Assigned: Bill Gersten

Motion: Approve settlement.  
Moved: Council President Pro Tem Madaffer - Dist. 7  
Seconded: Councilmember Hueso - Dist. 8  
Vote: 7/0  
Absent: Councilmember Atkins - Dist. 3  
Report: Below is the report out from Closed Session made by Chief Deputy  
City Attorney Huston Carlyle in Open Session @ 8:00 p.m.

Also, today, in Closed Session, on CS-4, the City Council conferred with Labor Negotiations to authorize settlement of language contained in the City-Local 127 MOU Article 44, A, 2. This matter was heard earlier today in Open Session as well.

The motion to approve the settlement language was made by Council President Pro Tem Madaffer and seconded by Councilmember Hueso.

The motion passed 7-0 with Councilmember Atkins absent

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

**CS-5 Number of Potential Cases: Up to 50 (Voluntary Compliance Program Filing)**

DCA Assigned: W. Chung

Report: Nothing to report

REPORTED BY: \_\_\_\_\_

Karen Heumann  
Assistant City Attorney