

**REVISED**  
**CITY COUNCIL OF THE CITY OF SAN DIEGO**  
**THE CLOSED SESSION MEETING REPORT**  
**FOR MONDAY AND TUESDAY, JANUARY 26 AND 27, 2009**  
**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 Mary Jo Lanzafame reports the results of the Closed Session Meeting of January 26 and 27, 2009, as follows:

**CLOSED SESSION MEETING FOR MONDAY, JANUARY 26, 2009**

Closed Session Items were heard on Tuesday, January 27, 2009.

**CLOSED SESSION MEETING FOR TUESDAY, JANUARY 27, 2009**

**ROLL CALL:**

Present: Mayor Sanders, Council President Hueso, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, Young, DeMaio, Frye

Absent: Councilmember Emerald - Dist. 7 (Absent for the meeting.)

**CLOSED SESSION ITEMS:**

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

**CS-1 *Michael T. Uberuaga v. City of San Diego***

United States District Court Case No. 08cv1960 MMA (BLM)

DCA Assigned: D. Karlin

Report: Nothing to report

**CS-2 *Valerie O’Sullivan v. City of San Diego***

San Diego Superior Court Case No. GIC 826918;  
California Court of Appeal Case Nos. D053230 & D054378

***La Jolla Friends of the Seals, et al. v. National Oceanic and Atmospheric Administration National Marine Fisheries Service, et al.***

U.S. District Court Case No. 08cv1847 WQH POR

***Animal Protection Rescue League v. State of California, et al.***

United States District Court No. 07-cv-2320-JM-AJB; Ninth Cir. Case No. 08-55319; United States Supreme Court Case No. 08-561

DCA Assigned: G. Schaefer

Motion: To consider in open session whether to seek legislation to amend the 1931 Tidelands Trust in the matter of *Valerie O’Sullivan v. City of San Diego*  
Moved: Councilmember Frye - Dist. 6  
Seconded: Councilmember Gloria - Dist. 3  
Vote: 6/1 [Passed] – Councilmember Lightner voted “No”  
Absent: Councilmember Emerald-Dist. 7  
Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame. Nothing to report regarding *La Jolla Friends of the Seals, et al. v. National Oceanic and Atmospheric Administration National Marine Fisheries Service, et al* and *Animal Protection Rescue League v. State of California, et al.*

**CS-3 *Crabbe, et al. v. City of San Diego***

San Diego County Superior Court Case No. 37-2008-00077405-CU-EI-CTL

***Al-Quraini, et al. v. City of San Diego***

San Diego Superior Court Case No. 37-2008-00080246-CU-EI-CTL

***McCormick, et al. v. City of San Diego***

San Diego Superior Court Case No. 37-2008-00082194-CU-EI-CTL

***Dyer v. City of San Diego***

San Diego Superior Court Case No. 37-2008-00092648-CU-EI-CTL

DCA Assigned: G. Spitzer

Report: Nothing to report

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

CS-4 Number of Potential Cases: 5 known potential plaintiffs

DCA: T. Zeleny

Motion: To consider in Open Session the Cooperative Agreement between the City of San Diego and San Diego Coastkeeper, et al.  
Moved: Councilmember Frye - Dist. 6  
Seconded: Council President Pro Tem Faulconer - Dist. 2  
Vote: 6/1 [Passed] – Councilmember Lightner voted “No”  
Absent: Councilmember Emerald-Dist. 7  
Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame.

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

CS-5 Number of Potential Cases: One

DCA: J. Dawson

Report: Nothing to report

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

CS-6 Agency negotiators: Bill Kay, Tim Davis, Scott Chadwick, Kim Nguyen, Woo-Jin Shim, Thom Harpole, Lourdes Silva, Judy von Kalinowski, Valerie VanDeweghe, Javier Mainar, Brian Fennessy, David Ramirez, Bob Kanaski, Paul Cooper, Jan Goldsmith, Tanya Tomlinson, Joan Dawson, William Gersten, and Lori Thacker

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 Assigned: J. Dawson

Report: Nothing to report

REPORTED BY: \_\_\_\_\_  
Mary Jo Lanzafame  
Assistant City Attorney