

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, SEPTEMBER 26 AND 27, 2011  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**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 September 26 and 27, 2011, as follows:

**CLOSED SESSION MEETING FOR MONDAY, SEPTEMBER 26, 2011**

(Closed Session Item were heard on Tuesday, September 27, 2011)

**CLOSED SESSION MEETING FOR TUESDAY, SEPTEMBER 27, 2011, at 9:00 a.m.**

(Closed Session Meeting met twice: 9:00 a.m. – 10:00 a.m. and reconvened at 4:37 p.m.)

**ROLL CALL - 9:00 A.M. SESSION:**

Present: Mayor Sanders, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, DeMaio, Zapf, Emerald, and Alvarez

Absent: Council President Young – Dist. 4 (Absent Item CS-6.)

**CLOSED SESSION ITEMS – 9:00 A.M. SESSION:**

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

**CS-1 Number of Cases: One**

Report: Nothing to report

**Conference with Legal Counsel – significant exposure to litigation, pursuant to California Government Code sections 54956.9(b)(1); 54956.9(b)(3)(A):**

**CS-2 Number of Cases: One or more potential cases as the exact number is unknown at this time.**

Report: Nothing to report

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

**CS-3** *Abitria v. San Diego City Employees' Retirement System*  
San Diego Superior Court Case No. 37-2011-00096899-CU-PO-CTL

DCA Assigned: W. Chung

NOTE: This item was heard at the 4:37 p.m. session.

**CS-4** *City of San Diego v. Kinder Morgan, et al.*  
United States District Court Case No. 07-CV-1883 (MMA)

DCAs Assigned: D. Bamberg and J. Taylor  
Outside Counsel: Tatro Tekosky and Sadwick, Rene Tatro, Steve Tekosky and David Sadwick

NOTE: This item was heard at the 4:37 p.m. session.

**CS-5** *City of San Diego v. Hotels.com, L.P.*  
San Diego Superior Court Case No. GIC861117, JCCP No. 4472

DCAs Assigned: D. Bamberg and J. Taylor  
Outside Litigation Counsel: McKool Smith, Baron & Budd, Kiesel Boucher & Larson  
(Steve Wolens, Gary Cruciani, Bill Larson, Laura Baughman, Thomas Sims)

NOTE: This item was heard at the 4:37 p.m. session.

**Conference with Legal Counsel – significant exposure to litigation, pursuant to California Government Code sections 54956.9(b)(1); 54956.9(b)(3)(C):**

**CS-6** *Janet Cherif v. City of San Diego*  
Claim No. 3546

DCA Assigned: S. Plotkin-Wolff

Report: Nothing to report

**CLOSED SESSION MEETING FOR TUESDAY, SEPTEMBER 27, 2011, at 4:37 p.m.**

(Closed Session Meeting met twice: 9:00 a.m. – 10:00 a.m. and reconvened at 4:37 p.m.)

**ROLL CALL - 4:37 P.M. SESSION:**

Present: Council President Young, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, DeMaio, Zapf, Emerald, and Alvarez

Absent: Mayor Sanders (Absent for this session.)

**CLOSED SESSION ITEMS - 4:37 P.M. SESSION:**

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

**CS-3 *Abitria v. San Diego City Employees' Retirement System***

San Diego Superior Court Case No. 37-2011-00096899-CU-PO-CTL

DCA Assigned: W. Chung

Report: Nothing to report

**CS-4 *City of San Diego v. Kinder Morgan, et al.***

United States District Court Case No. 07-CV-1883 (MMA)

DCAs Assigned: D. Bamberg and J. Taylor

Outside Counsel: Tatro Tekosky and Sadwick, Rene Tatro, Steve Tekosky and David Sadwick

Report: Nothing to report

**CS-5 *City of San Diego v. Hotels.com, L.P.***

San Diego Superior Court Case No. GIC861117, JCCP No. 4472

DCAs Assigned: D. Bamberg and J. Taylor

Outside Litigation Counsel: McKool Smith, Baron & Budd, Kiesel Boucher & Larson (Steve Wolens, Gary Cruciani, Bill Larson, Laura Baughman, Thomas Sims)

Motion: Seek appellate review.

Moved: Councilmember President Pro Tem Faulconer - Dist. 2

Seconded: Councilmember Emerald - Dist. 7

Vote: 8 to 0 [Passed Unanimously]

THE CLOSED SESSION MEETING REPORT  
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Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, September 27, 2011, at 5:47 p.m.

Today, in Closed Session, the City Council voted on Closed Session Item No. 5, *City of San Diego v. Hotels.com, L.P.*, San Diego Superior Court Case No. GIC 861117, JCCP No. 4472, to authorize outside counsel to seek appellate review of the trial court decision. This case involves a challenge to the City's collection of transient occupancy taxes.

The motion to authorize the appeal passed by a vote of 8 to 0.

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