

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, JUNE 17-18, 2013
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 ‘C’ STREET
SAN DIEGO, CA 92101**

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 June 17-18, 2013, as follows:

CLOSED SESSION MEETING FOR MONDAY, JUNE 17, 2013

(Closed Session Items were heard on Tuesday, June 18, 2013.)

CLOSED SESSION MEETING FOR TUESDAY, JUNE 18, 2013, AT 9:00 A.M.

ROLL CALL:

- Present: Mayor Filner, Council President Gloria, Council President Pro Tem Lightner, and Councilmembers Faulconer and Cole.
Councilmember Kersey, Council District 5, present for CS-5.
Councilmember Sherman, Council District 7, present for CS-1 through CS-4.
Councilmember Alvarez, Council District 8, present for CS-5.
Councilmember Emerald, Council District 9, present for CS-5.
- Absent: Councilmember Kersey, Council District 5, absent for CS-1 through CS-4.
Councilmember Zapf, Council District 6, absent for the meeting.
Councilmember Sherman, Council District 7, absent for CS-5.
Councilmember Alvarez, Council District 8, absent for CS-1 through CS-4.
Councilmember Emerald, Council District 9, absent for CS-1 through CS-4.

CLOSED SESSION ITEMS:

Conference with Legal Counsel – existing litigation, pursuant to California Government Code section 54956.9(d)(1):

CS-1 *Luke Ruben Acuna v. City of San Diego, et al.*

San Diego County Superior Court Case No. 37-2012-00094286-CU-PA-CTL
Claim No. 5446

DCA Assigned: B. Hsu

Special Outside Counsel: Jim Baratta of Grant, Genovese, and Baratta
Rick Schneider of Daley & Heft

Report: Nothing to report out.

CS-2 *CREED-21 v. COSD*

San Diego County Superior Court Case No. 37-2012-00098019

DCA Assigned: A. Contreras

Motion: Authorize to seek appellate review

Moved: Councilmember Lightner, District 1

Seconded: Council President Gloria, District 3

Vote: Passed 5 to 0 with Councilmembers Kersey, Zapf, Alvarez, and Emerald absent.

Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, June 18, 2013, at 4:20 p.m.

The City Council voted on Closed Session Item Number 2, *CREED-21 v. COSD*, San Diego Superior Court Case Number 37-2012-00098019, to seek appellate review. This case arises from the repair of the Via Rialto Storm drain.

CS-3 *San Diegans for Open Government, et al. v. City of San Diego*

San Diego County Superior Court Case No. 37-2011-00101571

DCA Assigned: A. Contreras

Report: Nothing to report out.

CS-4 *Sviridov v. City of San Diego*

San Diego County Superior Court Case No. 37-2008-00080855-CU-WT-CTL

CDCA Assigned: J. Cordileone

Motion: Authorize to seek appellate review

Moved: Councilmember Lightner, District 1

Seconded: Council President Gloria, District 3

Vote: Passed 5 to 0 with Councilmembers Kersey, Zapf, Alvarez, and Emerald absent.

Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, June 18, 2013, at 4:20 p.m.

The City Council also voted on Closed Session Item Number 4, *Sviridov v. City of San Diego*, San Diego Superior Court Case Number 37-2008-00080855-CU-WT-CTL, to seek appellate review. This case involves a lawsuit to reinstate a terminated employee.

Conference with Legal Counsel – anticipated litigation – initiation of litigation, pursuant to California Government Code section 54956.9(d)(4):

CS-5 Number of Cases: One

DCA Assigned: M. Wharton

Motion: Initiate litigation

Moved: Councilmember Faulconer, District 2

Seconded: Councilmember Lightner, District 1

Vote: Passed 7 to 0 with Councilmembers Zapf and Sherman absent.

Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, June 18, 2013, at 4:20 p.m.

The City Council voted on Closed Session Item Number 5 to initiate litigation. Once litigation is formally commenced, the action, the defendants, and other particulars will be disclosed to any person upon inquiry unless to do so would jeopardize effective service of process or settlement negotiations.

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