

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, DECEMBER 9 AND 10, 2013  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> 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 December 9-10, 2013, as follows:

**CLOSED SESSION MEETING FOR MONDAY, DECEMBER 9, 2013**

(Closed Session Items were heard on Tuesday, December 10, 2013.)

**CLOSED SESSION MEETING FOR TUESDAY, DECEMBER 10, 2013, AT 9:00 A.M.**

**ROLL CALL:**

Present: Council President Gloria, Council President Pro Tem Lightner, and Councilmembers Faulconer, Cole, Sherman, and Emerald.

Absent: Councilmember Kersey, Council District 5, absent for CS-2.  
Councilmember Zapf, Council District 6, absent for CS-2.  
Councilmember Alvarez, Council District 8, absent for a portion of CS-2.

**CLOSED SESSION ITEMS:**

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

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

DCA Assigned: M. Wharton

Motion: Initiate litigation

Moved: Councilmember Alvarez, District 8

Seconded: Councilmember Emerald, District 9

Vote: Passed unanimously 9 to 0.

Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, December 10, 2013, at 5:12 p.m.

The City Council voted on Closed Session Item Number One to initiate litigation in one of the cases. Once litigation is formally commenced, the actions, 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.

**CS-2 Number of Cases: One**

DCA Assigned: G. Schaefer

Motion: Initiate litigation

Moved: Councilmember Emerald, District 9

Seconded: Councilmember Faulconer, District 2

Vote: Passed 5 to 2 with Councilmembers Lightner and Sherman voting "No" and Councilmembers Kersey and Zapf absent.

Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, December 10, 2013, at 5:12 p.m.

The City Council voted on Closed Session Item Number One to initiate litigation. Once litigation is formally commenced, the actions, 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.

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

**CS-3 *Animal Protection and Rescue League, et al. v. City of San Diego, et al.***

San Diego County Superior Court Case No. 37-2012-00086105

DCA Assigned: G. Schaefer

Motion: Authorize the City Attorney to seek appellate review

Moved: Councilmember Lightner, District 1

Seconded: Councilmember Sherman, District 7

Vote: Passed unanimously 9 to 0.

Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, December 10, 2013, at 5:12 p.m.

The City Council also voted on Closed Session Item Number Three, *Animal Protection and Rescue League, et al. v. City of San Diego, et al.*, San Diego County Superior Court Case Number 37 2012-00086105, Fourth District, Division One Court of Appeal Case No. D064127, to authorize the City Attorney to seek appellate review.

In this case, Plaintiffs challenged the San Diego Planning Commission's denial of a permit for a year-round rope barrier for the protection of seals at the La Jolla Children's Pool. The San Diego County Superior Court issued a writ for the Plaintiffs and awarded attorneys' fees.

**CS-4 *San Diegans for Open Government (UTC) v. City of San Diego***

San Diego County Superior Court Case No. 37-2013-00044155-CU-TT-CTL  
Fourth District, Division One Court of Appeal Case No. D064127

DCA Assigned: J. Will

Motion: Authorize the City Attorney to seek appellate review

Moved: Councilmember Emerald, District 9

Seconded: Councilmember Cole, District 4

Vote: Passed unanimously 9 to 0.

Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, December 10, 2013, at 5:12 p.m.

Lastly, the City Council voted on Closed Session Item Number Four, *San Diegans for Open Government v. City of San Diego*, San Diego County Superior Court Case Number 37-2013-00044155-CU-TT-CTL, to refrain from seeking appellate review.

This case arises from the City of San Diego's approval of a Neighborhood Use Permit and CEQA exemption for a comprehensive sign plan at the Westfield Shopping Center.

**CS-5 *The Environmental Health Coalition, et al. v. Elizabeth Maland, et al.***

San Diego County Superior Court Case No. 37-2013-00075076-CU-WM-CTL

DCA Assigned: K. Zlotnik

Report: Nothing to report.

**Conference with Labor Negotiators pursuant to California Government Code section 54957.6:**

**CS-6 City Designated Management Team Representatives**

DCA Assigned: None assigned.

Report: Nothing to report.

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