

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, NOVEMBER 20 AND 21, 2006
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

REPORTING RESULTS OF CLOSED SESSION MEETINGS

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 reports the results of the Closed Session Meetings of November 20 and 21, 2006, as follows:

CLOSED SESSION MEETING FOR MONDAY, NOVEMBER 20, 2006

Closed Session Items were heard on Tuesday, November 21, 2006.

CLOSED SESSION MEETING FOR TUESDAY, NOVEMBER 21, 2006

ROLL CALL:

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

Absent: Councilmember Maienschein - Dist. 5 - Absent for Items CS-4, CS-5, CS-6, and CS-7)

CLOSED SESSION ITEMS:

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

**CS-1 *County of San Diego v. Redevelopment Agency of the City of San Diego, et al.*
San Diego Superior Court Case No. GIC 850259**

DCA Assigned: G. Spitzer

Nothing to report

**CS-2 *Michael Shames v. City of San Diego*
San Diego Superior Court Case No. GIC 831539**

DCA Assigned: J. Riley

Nothing to report

**CS-3 *Boat Depot, Inc v. City of San Diego./SMCM Partners GP v. City of San Diego*
Consolidated under San Diego Superior Court Case No. GIC 846472**

DCA Assigned: W. Donnell

Nothing to report

**CS-4 *El Cortez Property Owners Association, et al. v. Center City Development Corporation, Redevelopment Agency of the City of San Diego, City of San Diego*
San Diego Superior Court Case No. GIC873710**

DCA Assigned: M. Dickenson

Nothing to report

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

**CS-5 *City Heights Square, L.P. et al. vs. City of San Diego*
City Files #LP06-0705-2384**

DCA Assigned: R. Palmucci

Nothing to report

CS-6 *Settlement of Contractual Claims on Mid-City Transit Facilities – El Cajon Blvd. and University Avenue Projects.*

DCA Assigned: M. Wright-Travis

Motion: Authorize settlement
Moved: Councilmember Atkins – Dist. 3
Seconded: Council President Peters – Dist. 1
Vote: 7/0 [Passed]
Absent: Councilmember Maienschein – Dist. 5

Reported out after Closed Session on November 21, 2006, by Karen Heumann, Assistant City Attorney:

Today, the City Council voted in Closed Session in the matter Item No. CS-6 entitled *Contractual Claims on Mid-City Transit Facilities - El Cajon Blvd. and University Avenuetoto* to authorize settlement of contractual claims submitted by Metro Builders for \$270,782 in exchange for a general release of liability, and Metro Builders' agreement to defend and indemnify the City from any and all subcontractor claims. The funds will be paid from the Georgia Street Bridge Fund to pay back with Cal Trans and SANDAG monies if possible. The motion was by Councilmember Atkins and second by Council President Peters. Passed 7 to 0 with Councilmember Maienschein absent.

CS-7 Brian Lehmkuhler, Claim No. LP06-0534-1397

Rudy Leisch, Claim No. LP06-0534-1298

Gabby Lopez, Claim No. LP07-0534-0688

DCA Assigned: C. Brock

Nothing to report

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

CS-8 Agency Negotiator: Scott Chadwick, J. Rod Betts, Lisa Briggs, Rich Snapper, Jessica Falk Michelli William Gersten, Joe Harris, Rick Reynolds

Employee Organizations: Municipal Employees Association, Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, Deputy City Attorney Association, AFSCME Local 127

DCA Assigned: W. Gersten

Nothing to report

REPORTED BY: _____

Karen Heumann
Assistant City Attorney