

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, MAY 21 and 22, 2007  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**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 May 21 and 22, 2007, as follows:

**CLOSED SESSION MEETING FOR MONDAY, MAY 21, 2007**

Closed Session Items were heard on Tuesday, May 22, 2007.

**CLOSED SESSION MEETING FOR TUESDAY, MAY 22, 2007**

**ROLL CALL:**

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

Absent: Councilmember Maienschein - Dist. 5 (Absent for the meeting.)  
Councilmember Madaffer - Dist. 7 (Absent for the meeting.)  
Councilmember Hueso - Dist. 8 (Absent for the meeting.)

**CLOSED SESSION ITEMS:**

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

CS-1 *Marcus Pless v. City of San Diego*  
San Diego Superior Court, Case No. GIC 878818

DCA assigned: M. Herrin

Nothing to report

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

CS-2 Hiring Tatro Tekosky Sadwick, LLP, as Outside Counsel  
Re Qualcomm Stadium Contamination

DCA assigned: J. Serrano

Motion: Initiate litigation.  
Moved: Council President Peters - Dist. 1  
Seconded: Councilmember Frye - Dist. 7  
Vote: 5/0 [Passed]  
Absent: Councilmember Maienschein - Dist. 5  
Councilmember Madaffer - Dist. 7  
Councilmember Hueso - Dist. 8

**Reported out in Open Session on May 22, 2007, at 2:23 p.m. by Karen Heumann,  
Assistant City Attorney:**

Today, the City Council voted in Closed Session on Item 2, Hiring Tatro Tekosky Sadwick, LLP, as Outside Counsel regarding Qualcomm Stadium Contamination, with a motion to initiate litigation against Kinder Morgan Energy Partners, LLC, and appropriate parties, and retain outside counsel to be paid from the Water Fund. Motion by Council President Peters - second by Councilmember Frye. The item passed 5 to 0 with Councilmembers Maienschein, Madaffer, and Hueso absent.

REPORTED BY: \_\_\_\_\_  
Karen Heumann  
Assistant City Attorney