

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, JUNE 4 and 5, 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 June 4 and 5, 2007, as follows:

**CLOSED SESSION MEETING FOR MONDAY, JUNE 4, 2007**

Closed Session Items were heard on Tuesday, June 5, 2007.

**CLOSED SESSION MEETING FOR TUESDAY, JUNE 5, 2007**

**ROLL CALL:**

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

Absent: Council President Pro Tem Young - Dist. 4 (Absent for Item CS-1.)  
Councilmember Maienschein - Dist. 5 (Absent for the meeting.)

**CLOSED SESSION ITEMS:**

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

**CS-1 *Liaghat v. City of San Diego*  
San Diego Superior Court Case No. GIC 863896**

DCA assigned: J. Cordileone

Motion: Authorize settlement of \$182,500 – paid by City.

Moved: Councilmember Faulconer - Dist. 2

Seconded: Councilmember Madaffer - Dist. 7

Vote: 6/0 [Passed]

Absent: Council President Pro Tem Young - Dist. 4  
Councilmember Maienschein - Dist. 5

**Reported out in Open Session on June 5, 2007, at 10:30 a.m. by Karen Heumann,  
Assistant City Attorney:**

Today, the City Council voted in Closed Session on Item 1, *Liaghat v. City of San Diego*, Superior Court Case No. GIC 863896, to authorize settlement of the litigation in the amount of \$182,500. Motion by Councilmember Faulconer - second by Councilmember Madaffer. The item passed 6 to 0 with Councilmember Young and Maienschein absent.

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

**CS-2 Potential Amicus Brief: *County of San Diego, et al. v. San Diego NORML, et al.*  
San Diego Superior Court Case No. GIC 860665**

DCA Assigned: M. Nuesca

Nothing to report

**CS-3 *City of San Diego v. Lexington Insurance*  
San Diego Superior Court Case No. GIC 875707  
United States District Court Case No. 07cv475 DMS (NLS)**

CDCA Assigned: S. von Kalinowski

Nothing to report

**\*\*\*\*\*FOLLOW UP REPORT OUT FOR ITEM CS-4 FROM THE APRIL 17, 2007,  
CLOSED SESSION MEETING LISTED BELOW:**

**CS-4 *Estate of Beatrice Madison, et al. v. City of San Diego*  
San Diego Superior Court Case No. GIC 857262**

**Reported out in Open Session on June 5, 2007, at 10:30 a.m. by Karen Heumann,  
Assistant City Attorney:**

The City Council voted in Closed Session on April 17, 2007, in the matter *Estate of Beatrice Madison, et al. v. City of San Diego*, San Diego Superior Court Case No. GIC 857262, to authorize settlement with payment to the individual Plaintiffs in the total amount of \$699,000. This item was not reportable on the date the City Council took the action because at that time the offer had yet to be conveyed to some of the Plaintiffs. The item is reportable now because it has been agreed to by the parties. The motion was made by Council President Peters and a second by Councilmember Atkins. The motion passed 5 to 0. Councilmembers Faulconer, Madaffer, and Maienschein were absent.

**\*\*\*\*\*FOLLOW UP REPORT OUT FOR ITEM CS-4 FROM THE MAY 8, 2007,  
CLOSED SESSION MEETING LISTED BELOW:**

**CS-4 *City of San Diego v. Tracy Means, et al.*  
San Diego Superior Court Case No. GIC 858344**

**Reported out in Open Session on June 5, 2007, at 10:30 a.m. by Karen Heumann,  
Assistant City Attorney:**

In the May 8, 2007, Closed Session, regarding Item CS-4, *City of San Diego v. Tracy Means, et al.*, San Diego Superior Court Case No. GIC 858344, the City Council voted unanimously to authorize settlement with the ABS Defendants only for \$70,000 – paid to the City. This item was not reportable on the date the City Council took action because at that time the offer had yet to be conveyed. The item is reportable now because it has been agreed to by the parties. The motion was made by Councilmember Madaffer – second by Council President Pro Tem Young. The item passed 8 to 0 with all the Council members present.

REPORTED BY: \_\_\_\_\_

Karen Heumann  
Assistant City Attorney