

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, JULY 23 AND 24, 2007
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 July 23 and 24, 2007, as follows:

CLOSED SESSION MEETING FOR MONDAY, JULY 23, 2007

Closed Session Items were heard on Tuesday, July 24, 2007.

CLOSED SESSION MEETING FOR TUESDAY, JULY 24, 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 Items CS-3 and 4)
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 McGuigan v. City of San Diego
San Diego Superior Court Case No. GIC 849883**

EACA Assigned: D. McGrath

Nothing to report

**CS-2 *Pacific Torrey Reserve Holdings, L.P. v. City of San Diego.*
San Diego Superior Court No. GIC 851874**

DCA Assigned: C. Brock

Motion: Reject settlement and defend litigation.
Moved: Council President Peters - Dist. 1
Seconded: Councilmember Hueso - Dist. 8
Vote: 7/0 [Passed]
Absent: Councilmember Maienschein - Dist. 5

**Reported out in Open Session on July 24, 2007, at 2:00 p.m. by Karen Heumann,
Assistant City Attorney:**

Today, the City Council voted in Closed Session on Closed Session Item 2, *Pacific Torrey Reserve Holdings, L.P. v. City of San Diego*, San Diego Superior Court No. GIC 851874, to reject a settlement proposal and continue to defend the litigation. Motion by Council President Peters - second by Councilmember Hueso. The motion passed 7 to 0 with Councilmember Maienschein absent.

CS-3 Property Damage Claim: James and Lisa Thomas and Sandpatch, LLC

DCA Assigned: C. Fitzgerald

Motion: Authorize to settle in the amount of \$65,218.12.
Moved: Councilmember Madaffer - Dist. 7
Seconded: Councilmember Hueso - Dist. 8
Vote: 6/0 [Passed]
Absent: Council President Pro Tem Young - Dist. 4

Councilmember Maienschein - Dist. 5

**Reported out in Open Session on July 24, 2007, at 2:00 p.m. by Karen Heumann,
Assistant City Attorney:**

Today, the City Council voted in Closed Session on Item CS-3, Property Damage Claim: *James and Lisa Thomas and Sandpatch, LLC*, to authorize settlement in the amount of \$65,218.12. Motion by Councilmember Madaffer - second by Councilmember Hueso. The motion passed 6 to 0 with Councilmembers Young and Maienschein absent.

**CS-4 *Specialty Risk Services v. City of San Diego*
San Diego Superior Court Case No. GIC 863661**

Deputy City Attorney assigned: B. Hsu

Motion: Authorize to settle in the amount of \$85,000.
Moved: Councilmember Hueso - Dist. 8
Seconded: Councilmember Atkins - Dist. 3
Vote: 6/0 [Passed]
Absent: Council President Pro Tem Young - Dist. 4
Councilmember Maienschein - Dist. 5

**Reported out in Open Session on July 24, 2007, at 2:00 p.m. by Karen Heumann,
Assistant City Attorney:**

Today, the City Council voted in Closed Session on Item CS-4, *Specialty Risk Services v. City of San Diego, San Diego Superior Court Case No. GIC 863661*, to authorize settlement in the amount of \$85,000. Motion by Councilmember Hueso - second by Councilmember Atkins. The motion passed 6 to 0 with Councilmembers Young and Maienschein absent.

**CS-5 *Harvey Furgatch v. San Diego Unified Port District, et al.*
San Diego Superior Court Case No. GIC 775242**

CDCA Assigned: H. Carlyle and DCA Assigned: J. Riley

Nothing to report

CS-6 *Friends of Rose Canyon et al v. City of San Diego*
San Diego Superior Court Case No. GIC 874140 and

Las Palmas Condominium Owners' Association et al v. City of San Diego
San Diego Superior Court Case No. GIC 872000

DCA Assigned: C. Brock

Nothing to report

**Public employment - performance evaluation, pursuant to California Government Code
section 54957(b)(1):**

CS-6 Title: City Clerk

Nothing to report

REPORTED BY: _____

Karen Heumann
Assistant City Attorney