

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
MONDAY AND TUESDAY, SEPTEMBER 17 and 18, 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 September 17 and 18, 2007, as follows:

CLOSED SESSION MEETING FOR MONDAY, SEPTEMBER 17, 2007

Closed Session Items were heard on Tuesday, September 18, 2007.

CLOSED SESSION MEETING FOR TUESDAY, SEPTEMBER 18, 2007

ROLL CALL:

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

Absent: All Present

CLOSED SESSION ITEMS:

**CS-1 *Beacon Electric Supply v. Saturn Electric, Inc.*
San Diego Superior Court Case No. GIC 849095**

DCA Assigned: J. Taylor

Motion: Authorize settlement with \$900,000 paid to Orion Construction and release of \$1,618,143.25 in funds earned by the contractor and retained by the City.
Moved: Councilmember Madaffer - Dist. 7
Seconded: Council President Peters - Dist. 1
Vote: 7/1 [Passed] with Councilmember Maienschein (Dist. 5) voting "No"
Absent: All Present

**Reported out in Open Session on September 11, 2007, at 10:24 a.m. by
Karen Heumann, Assistant City Attorney:**

Today, in Closed Session the City Council voted on Item CS-1, *Beacon Electric Supply v. Saturn Electric, Inc.*, San Diego Superior Court Case No. GIC 849095, to authorize settlement with \$900,000 paid to Orion Construction and release of \$1,618,143.25 in funds earned previously by the contractor but retained by the City. Orion will continue to defend and prosecute its claim against its subcontractors and has agreed to hold the City harmless from the subcontractors' claims. Motion by Councilmember Madaffer - second by Council President Peters. The motion passed 7 to 1 with Councilmember Maienschein voting "No."

**CS-2 *Store Safe Miramar, et al. v. City of San Diego*
City Files No. LP07-0705-0918**

DCA Assigned: R. Palmucci

Nothing to report

**CS-3 *City of San Diego v. Willkie Farr and Gallagher, LLP*
San Diego Superior Court Case No. 37-2007-00072584-CU-BT-CTL**

EACA assigned: D. McGrath

Nothing to report

REPORTED BY: _____
Karen Heumann
Assistant City Attorney