

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, NOVEMBER 5 AND 6, 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 November 5 and 6, 2007, as follows:

CLOSED SESSION MEETING FOR MONDAY, NOVEMBER 5, 2007

Closed Session Items were heard on Tuesday, November 6, 2007.

CLOSED SESSION MEETING FOR TUESDAY, NOVEMBER 6, 2007

ROLL CALL:

Present: Mayor Jerry Sanders, Council President Peters, and Councilmembers Faulconer, Frye, Maienschein, and Madaffer

Absent: Council President Peters – Dist. 1 (Recused for Item CS-3)
Council President Pro Tem Young – Dist. 4 (Absent for Item CS-2)
Councilmember Atkins – Dist. 3 (Absent for Item CS-2)
Councilmember Hueso – Dist. 8 (Absent for Item CS-2)

CLOSED SESSION ITEMS:

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

**CS-1 *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

**CS-2 *George Isbell, et al. v. City of San Diego*
U.S.D.C. Southern District of California Case No. 98cv0688**

DCA Assigned: R. Walters

Nothing to report

**CS-3 *American Tower Corporation v. City of San Diego, et al.*
United States District Court Case No. 07cv0399 LAB (NLS)**

DCA Assigned: C. Fitzgerald

Nothing to report

**REPORT OUTS FOR PRIOR CLOSED SESSION MEETINGS MADE IN OPEN SESSION
ON NOVEMBER 6, 2007, AT 10:13 a.m.**

Deputy City Attorney Karen Heumann reported out the results of Prior/Previous Closed Session Meetings that are now reportable.

In the Closed Session Meeting of July 31, 2007, Item CS-3, *Jose Bautista Antero, et al v. City of San Diego, et al.*, San Diego Superior Court Case No. GIC 879838, the City Council voted to authorize settlement in the amount of \$60,000. This information was not disclosed previously because the settlement had not yet been finalized. Now that the settlement is finalized, it is reportable. The motion was made by Councilmember Madaffer and seconded by Councilmember Atkins. The item passed 5 to 0 with Council President Peters and Councilmembers Maienschein and Hueso absent.

The City Council voted in the Closed Session Meeting of October 9, 2007, on Item CS-3, *Yevdokia (Daisy) Bristman, et al. v. Western Trucking, LLC, et al.*, San Diego Superior Court Case No. GIC 855357, to authorize settlement in the amount of \$600,000. This information was not disclosed previously because that settlement had not yet been finalized. Now that the settlement is finalized, it is reportable. Motion by Council President Peters and seconded by Council President Pro Tem Young. This item passed unanimously 8 to 0.

REPORTED BY: _____
Karen Heumann
Assistant City Attorney