

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, JANUARY 28 AND 29, 2008
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 January 28 and 29, 2008, as follows:

CLOSED SESSION MEETING FOR MONDAY, JANUARY 28, 2008

Closed Session Items were heard on Tuesday, January 29, 2008.

CLOSED SESSION MEETING FOR TUESDAY, JANUARY 29, 2008

ROLL CALL:

Present: Mayor Jerry Sanders, Council President Peters, and Councilmembers Atkins, Frye, Maienschein, and Hueso

Absent: Councilmember Faulconer - Dist 2 (Absent for Item CS-1, 2, 3, and 4.)
Council President Pro Tem Madaffer - Dist 7 (Absent for Item CS-6.)
Councilmember Young - Dist.4 (Absent for Item CS-6.)

CLOSED SESSION ITEMS:

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

- CS-1 *In The Matter of: Natural Gas Anti-Trust Cases I, II, III & IV (Relating to City of San Diego v. Sempra, et al.)***
Re: All Price Indexing Cases, JCCP Nos. 4221, 4224, 4226, and 4228

DCA Assigned: F. Ortlieb

Report: Nothing to report

- CS-2 *Taxpayers for Responsible Land Use, et al. v. City of San Diego, et al.***
San Diego Superior Court Case No. GIC867378

DCA Assigned: C. Brock

Motion: Pursue appeal of the Court's unfavorable CEQA determination against the City [associated costs to be borne by the Petitioner pursuant to indemnity provision in Purchase and Sale Agreement].
Moved: Council President Peters - Dist. 1
Seconded: Council President Pro Tem Madaffer - Dist. 7
Vote: 6/1 [Passed] – Councilmember Frye voted “No”
Absent: Councilmember Faulconer
Report: Below is the report out from Closed Session made by Assistant City Attorney Karen Heumann:

Today, the City Council voted in Closed Session on Item CS-2, *Taxpayers for Responsible Land Use, et al. v. City of San Diego, et al.*, San Diego Superior Court Case No. GIC 867378, to authorize appeal of the court's unfavorable CEQA determination against the City, with associated costs to be borne by the Petitioner pursuant to indemnity provision in Purchase and Sale Agreement. The motion was made by Council President Peters and the second by Council President Pro Tem Madaffer. The item passed 6 to 1 with Councilmember Frye voting “No” and Councilmember Faulconer absent.

- CS-3 *Heisey v. City of San Diego***
San Diego Superior Court Case No. GIC 865903
(Consolidated with *Foote v. City of San Diego*
San Diego Superior Court Case No. GIC 865903)

DCA Assigned: C. Brock

Report: Nothing to report

**CS-4 *City of San Diego v. Sunroad Enterprises et al.*
San Diego Superior Court Case No. GIC 877054**

DCA Assigned: C. Brock

Report: Nothing to report

**CS-5 *Zucchet, et al. v. City of San Diego*
San Diego Superior Court, Case No. 857389**

DCA Assigned: J. Cordileone

Report: Nothing to report

**CS-6 *City of San Diego v. MBM Associates, et al.*
San Diego Superior Court Case No. 878013**

DCA Assigned: J. Cordileone

Motion: Authorize appeal

Moved: Councilmember Frye - Dist. 6

Seconded: Councilmember Atkins - Dist. 7

Vote: 6/0 [Passed]

Absent: Councilmember Young - Dist. 4

Council President Pro Tem Madaffer - Dist. 7

Report: Below is the report out from Closed Session made by Assistant City Attorney
Karen Heumann:

Today, the City Council voted in Closed Session on Item CS-6, *City of San Diego v. MBM Associates, et al.*, San Diego Superior Court, Case No. 878013, to authorize appeal to the 4th District Court. The motion was made by Councilmember Frye and the second by Councilmember Atkins. The item passed 6 to 0 with Council President Pro Tem Madaffer and Councilmember Young absent.

Conference with Legal Counsel – anticipated litigation, pursuant to California Government Code Section 54956.9(b)

CS-7 *Regional Water Quality Control Board Tentative Cleanup and Abatement Order No. R9-2005-0126*

CDCA: M. Severson

DCA Assigned: F. Ortlieb

Report: Nothing to report

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-8 Agency negotiator: Steven Berliner, Richard Kreisler, Lisa Briggs, Scott Chadwick, Tanya Tomlinson, Thom Harpole, Abby Jarl, Hadi Dehghani, Val VanDeweghe, Jessica Falk Michelli, William Gersten, and L. Thacker

Employee organizations: Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, Municipal Employees Association, AFSCME Local 127 AFL-CIO and Deputy City Attorney Association

DCAs Assigned: W. Gersten/J. Falk Michelli/L. Thacker

Report: Nothing to report

REPORT OUT FOR PRIOR CLOSED SESSION MEETING

Below is the report out for a prior Closed Session Item that is now reportable. The report was made by Assistant City Attorney Karen Heumann:

Date of Closed Session: November 20, 2007 Closed Session Meeting
Item CS-1: *J&J Properties, LLC, v. San Diego Housing Commission, et al.*
San Diego Superior Court Case No. GIC 858800.

On November 20, 2007, the City Council voted in Closed Session on Item CS-1, *J&J Properties, LLC, v. San Diego Housing Commission, et al.*, San Diego Superior Court Case No. GIC 858800, to approve a settlement of the case.

Pursuant to the terms of the settlement, J&J Properties, LLC, has agreed to pay the sum of \$49,864.32 as relocation benefits due those tenants who were displaced for reasons other than cause for eviction from the Hotel Churchill; and maintain and rehabilitate 57 existing SRO hotel rooms at the Hotel Churchill.

If J&J does not complete rehabilitation or receive an extension for good cause by January 31, 2009, J&J Properties shall pay an in lieu housing fee in the amount of \$4,250,000. Documents reflecting the settlement are on file and available in the City Clerk's Office.

This information was not disclosed previously because the case was not finalized. The case was recently settled and is now reportable. The motion was made by Council President Peters and the second by Councilmember Frye. The item passed unanimously 8 to 0.

REPORTED BY: _____
Karen Heumann
Assistant City Attorney