

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, MARCH 3 AND 4, 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 March 3 and 4, 2008, as follows:

CLOSED SESSION MEETING FOR MONDAY, MARCH 3, 2008

Closed Session Items were heard on Tuesday, March 4, 2008.

CLOSED SESSION MEETING FOR TUESDAY, MARCH 4, 2008

ROLL CALL:

Present: Council President Peters, and Councilmembers Faulconer, Young, Frye, and Hueso

Absent: Mayor Jerry Sanders (Absent for Items CS-2, 3, 4, 5, 6, 7, 8, and 9)
Council President Pro Tem Madaffer - Dist. 7 (Absent for Items CS-2 and Recused from Item CS-5.)
Councilmember Atkins - Dist. 3 (Absent for Items CS-2, 5, 7, 9, and Recused from Item CS-5.)
Councilmember Maienschein - Dist. 5 (Absent for Item CS-2 and Recused from Item CS-5.)
Councilmember Frye - Dist 6 (Recused from Item CS-5 but due to Rule of Necessity let back in.)

CLOSED SESSION ITEMS:

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

CS-1 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

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

**CS-2 *Vadnais Corporation, et al. v. City of San Diego*
San Diego Superior Court Case No. GIC 854791**

CDCA Assigned: S. von Kalinowski

Motion: Authority to settle for \$530,000.

Moved: Councilmember Frye - Dist. 6

Seconded: Council President Peters - Dist. 1

Vote: 5/0 [Passed]

Absent: Council President Pro Tem Madaffer - Dist. 7

Councilmember Atkins - Dist. 3

Councilmember Maienschein - Dist. 5

Report: Below is the report out from Closed Session made by Assistant City Attorney Karen Heumann at approximately 5:15 p.m.

Today, the City Council voted in Closed Session on Item CS-2, *Vadnais Corporation, et al. v. City of San Diego*, San Diego Superior Court Case No. GIC 854791, to authorize settlement in the amount of \$530,000. Motion by Councilmember Frye and seconded by Council President Peters. The item passed 5 to 0 with Council President Pro Tem Madaffer, and Councilmembers Atkins and Maienschein Absent.

**CS-3 *Harvey Furgatch v. San Diego Unified Port District, et al.*
San Diego Superior Court Case No. GIC 775242**

DCA Assigned: John Riley

Report: Nothing to report

**CS-4 *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

Report: Noting to report

**CS-5 *City of San Diego v. San Diego City Employees Retirement System*
San Diego Superior Court Case No. 37-2007-00081912-CU-WM-CTL**

EACA Assigned: D. McGrath

Report: Noting to report

**CS-6 *De Anza Cove Homeowners Association, Inc., v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC 821191;**

***Ernest Abbitt, et al. v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC 865536**

CDCA Assigned: M. Severson

DCA Assigned: B. Walters

Report: Nothing to report

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code Section 54956.9(b):

CS-7 Number of potential cases: One (North Park Theatre Project)

CDCA Assigned: H. Carlyle

Report: Nothing to report

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

CS-8 Number of cases: One

DCA Assigned: M. Dickenson

Report: Nothing to report

CS-9 Number of Cases: One

DCA Assigned: J. Serrano

Report: Nothing to report

REPORTED BY: _____

Karen Heumann
Assistant City Attorney