

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, APRIL 21 AND 22, 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 and Chief Deputy City Attorney Huston Carlyle report the results of the Closed Session Meetings of April 21 and 22, 2008, as follows:

CLOSED SESSION MEETING FOR MONDAY, APRIL 21, 2008

Closed Session Items were heard on Tuesday, April 22, 2008.

CLOSED SESSION MEETING FOR TUESDAY, APRIL 22, 2008

ROLL CALL:

Present: Council President Peters; Council President Pro Tem Madaffer; and Councilmembers Atkins, Young, Frye, and Hueso

Absent: Mayor Jerry Sanders (Absent for the meeting.)
Councilmember Faulconer - Dist. 2 (Absent for Items 3 and 4.)
Councilmember Maienschein - Dist. 5 (Absent for Items CS-3 and 4.)

CLOSED SESSION ITEMS:

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

**CS-1 *The Heart of Kensington, Inc. v. City of San Diego*
Superior Court of the State of California,
County of San Diego Case No. 37-2008-00079254-CU-MC-CPL**

DCA Assigned: Glenn Spitzer

Report: Nothing to report

**CS-2 *Friends of San Diego, Inc. v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC 874140**

***Friends of San Diego, Inc. v. City of San Diego*
San Diego Superior Court Case No. 37-2008-00079265-CU-WM-CTL**

DCA assigned: G. Spitzer

Report: Nothing to report

**CS-3 *Lopez, et al. v. City of San Diego [POA4 Motorcycles]*
San Diego Superior Court Case No. 869054**

DCA assigned: K. Zlotnik & T. Bradley

Report: Nothing to report

**CS-4 *Sloan, et al. v. City of San Diego [POA#5 K -9's]*
San Diego Superior Court Case No. 848641**

DCA assigned: K. Zlotnik & T. Bradley

Report: Nothing to report.

**CS-5 *Friends and Concerned Citizens of University City v. City of San Diego, Costa Verde, LLC.*
San Diego Superior Court Case No. 37-2007-00078058 CU-TT-CTL**

DCA assigned: M. Dickenson

Report: Nothing to report

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

CS-6 Number of Cases: One

DCA assigned: G. Spitzer

Report: Nothing to report

Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:

CS-7 Property: 5036-60 Sterling Court, San Diego (south end of Winona Avenue)

Agency Negotiator: Jim Barwick, Director, Real Estate Assets Department

Negotiating Party: Larry Zajonc

Under Negotiation: Price and terms of payment

DCA assigned: K. Davies

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 MADE IN OPEN SESSION

Below is the report out for a prior Closed Session Item that is now reportable. The report was made by Executive Assistant City Attorney Donald McGrath, II, during the April 21, 2008 Open Session at 2:08 p.m.

Date of prior meeting: April 15, 2008 Closed Session Meeting
Item CS-2: *City of Sun Diego v. Sun Diego City Employees Retirement System*
San Diego Superior Court Case No. 37-2007-00081912-CU-WM-CTL

On April 15, 2008, in Closed Session Item CS-2, *City of Sun Diego v. Sun Diego City Employees Retirement System*, San Diego Superior Court Case No. 37-2007-00081912-CU-WM-CTL, on a motion to authorize the filing of the action, the City Council voted 4 to 1 (80 percent in favor - 20 percent in opposition), to provide the City Attorney permission to initiate and maintain the action against non-retirees. The motion made by Councilmember Faulconer and seconded by Councilmember Frye. Councilmembers Faulconer, Frye, Young, and Council President Peters voted "yes," and Councilmember Hueso voted "no." Due to conflicts of interest resulting from the purchase of service credits, Councilmembers Maienschein, Madaffer, Atkins, and Frye were recused with Councilmember Frye selected as the fifth council member in a random drawing based on the legal doctrine/exception of legally required participation. Whether the 4 to 1 vote is binding on the City is a legal question that may have to be resolved by a court.

REPORTED BY: _____

Karen Heumann
Assistant City Attorney