

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, MAY 19 AND 20, 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 May 19 and 20, 2008, as follows:

CLOSED SESSION MEETING FOR MONDAY, MAY 19, 2008

ROLL CALL:

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

Absent: All present

CLOSED SESSION ITEM

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

CS-3 Agency Negotiator: Steven Berliner, Richard Kreisler, Lisa Briggs, Scott Chadwick, Tanya Tomlinson, Thom Harpole, Abby Jarl, Hadi Dehghani, Val VanDeweghe, Rod Betts, Jessica Falk Michelli, William Gersten, Lori Thacker, and Alan Hersh

Employee Organizations: Municipal Employees Association, AFSCME Local 127 AFL-CIO, and Deputy City Attorney Association

DCAs assigned: W. Gersten/J. Falk Michelli/L. Thacker/A. Hersh

Report: Nothing to report

CLOSED SESSION MEETING FOR TUESDAY, MAY 20, 2008

ROLL CALL:

Present: Mayor Jerry Sanders, Council President Pro Tem Madaffer,
and Councilmembers Faulconer, Atkins, Young, Maienschein,
Frye, and Hueso
Absent: Council President Peters – Dist. 1 (Absent for Item CS-2 and
CS-4 (had to leave at 9:30 a.m.))

CLOSED SESSION ITEMS:

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

CS-1 *City of San Diego, et al. v. Kinder Morgan, et al.*
U. S. District Court Case No. 07-CV-1883 W (CAB)

DCA's assigned: J. Serrano and G. Lowenberg

Report: Nothing to report

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

CS-2 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-4 Agency Negotiator: Steven Berliner, Richard Kreisler, Lisa Briggs,
Scott Chadwick, Tanya Tomlinson, Thom Harpole,
Abby Jarl, Hadi Dehghani, Val VanDeweghe,
Rod Betts, Jessica Falk Michelli, William Gersten,
Lori Thacker, and Alan Hersh
Employee Organizations: Municipal Employees Association,
AFSCME Local 127 AFL-CIO, and
Deputy City Attorney Association

DCA's assigned: W. Gersten/J. Falk Michelli/L. Thacker/A. Hersh

Report: Nothing to report

THE FOLLOWING REPORT OUT FOR THE MAY 13, 2008 CLOSED SESSION ITEM WAS POSTED ON THE 12TH FLOOR OF THE CITY ADMINISTRATION BUILDING, 202 C STREET, SAN DIEGO, CALIFORNIA, ON MAY 21, 2008, AT 11:40 A.M.

Chief Deputy City Attorney Huston Carlyle reported out the result of the May 13, 2008 Closed Session Meeting for Item CS-5, *Friends and Concerned Citizens of University City v. City of San Diego, Costa Verde Hotel, LLC.*, San Diego Superior Court Case No. 37-2007-00078058 CU-TT-CTL, that is now reportable.

In Closed Session on May 13, 2008, the City Council voted to retain the law firm of Lounsbury, Ferguson, Altona & Peak to defend the City in the litigation entitled *Friends and Concerned Citizens of University City v. City of San Diego, Costa Verde Hotel, LLC.*, San Diego Superior Court Case No. 37-2007-00078058 CU-TT-CTL. The litigation is a challenge under the California Environmental Quality Act and the Public Streets, Highways, and Service Easements Vacation Law relating to the City's approval of Environmental Impact Report No. 6563; associated approvals including the Mitigation Monitoring and Reporting Program, Findings and Statement of Overriding Consideration, amendments to the Progress Guide and General Plan, the University Community Plan, and the Costa Verde Specific Plan; Vesting Tentative Map No. 372429; Easement Vacation No. 372423; Public Right-of-way Vacation No. 372426; Planned Development Permit No. 10761; Site Development Permit No. 372422; and Public Right of Way Permit No. 464724.

The motion was made by Council President Pro Tem Madaffer and seconded by Councilmember Hueso.

The item passed unanimously 8 to 0.

REPORTED BY: _____

Karen Heumann
Assistant City Attorney