

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, JUNE 23 AND 24, 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. Chief Deputy City Attorney Huston Carlyle reports the results of the Closed Session Meetings of June 23 and 24, 2008, as follows:

CLOSED SESSION MEETING FOR MONDAY, JUNE 23, 2008

Closed Session Items were heard on Tuesday, June 24, 2008.

CLOSED SESSION MEETING FOR TUESDAY, JUNE 24, 2008

ROLL CALL:

Present: Council President Pro Tem Madaffer, Councilmembers Faulconer, Atkins, Frye, and Hueso

Absent: Mayor Sanders (Absent for Items CS-3 and CS-4.)
Councilmember Young - Dist. 4 (Absent for the meeting.)
Councilmember Maienschein - Dist. 5 (Absent for Item CS-6.)

Recused: Council President Peters - Dist. 1 (Recused - Item CS-5.)

CLOSED SESSION ITEMS

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

CS-1 *Stephen Cicero v. City of San Diego*

San Diego Superior Court Case No. 37-2008-00085133-CU-PT-CTL

EACA assigned: D. McGrath

Report: Nothing to report

CS-2 *County of San Diego v. Redevelopment Agency of the City of San Diego, et al.*

San Diego County Superior Court Case No. GIC 850455

(Consolidated with San Diego County Superior Court Case No. GIC 850829)

DCA assigned: G. Spitzer

Report: Nothing to report

CS-3 *Scottsdale Insurance Company v. City of San Diego dba: Mission Bay Mobile Home Park*

San Diego Superior Court Case No. 37-2008-00083941-CU-IC-CTL

DCA assigned: M. Severson

Report: Nothing to report

CS-4 *Alison Terry v. City of San Diego*

U. S. District Court Case No. 06CV1459 JAH (CAB)

DCA assigned: J. Cordileone

Report: Nothing to report

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code section 54956.9(b)(1) and 54956.9(b)(3)(C):

CS-5 *Tolling of potential litigation by Verizon Wireless against the City*

DCA assigned: C. Fitzgerald

Report: Nothing to report

CS-6 Tolling of potential claims by Otay Mesa Coalition Group against the City

DCA assigned: C. Fitzgerald

Report: Nothing to report

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

CS-7 Anticipation of litigation against SDG&E and other parties responsible for causing the 2007 brush fires and resulting property damage and other losses

DCA assigned: C. Welch

Report: Nothing to report

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

CS-8 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

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 JULY 3, 2008, AT 11:50 A.M.

On July 3, 2008, Assistant City Attorney Karen Heumann reported out the result of the May 13, 2008 City Council Closed Session Meeting for Item RACS-1, *Citizens for Responsible Equitable Environmental Development v. Redevelopment Agency of the City of San Diego*, San Diego Superior Court Case No. 37-2007-00072076-CU-CO-CTL, that is now reportable.

On May 13, 2008, the City Council voted in Closed Session on Item CS-1, *Save Our Heritage Organization v. City of San Diego, et al.*, San Diego County Superior Court Case No. 37-2007-00081313-CU-WM-CTL, to accept settlement which includes (1) SOHO to dismiss with prejudice and bear its own costs and fees; (2) City does not admit liability, (3) City agrees to display six rails next to

interpretive signage, and (4) City agrees to contribute \$10,000 to the San Diego Electric Railway Museum. The money will be used to provide information and education.

The motion was made by Councilmember Hueso and the second by Councilmember Faulconer. The motion passed 6 to 0 with Councilmembers Young and Maienschein absent.

REPORTED BY: _____

Huston Carlyle
Chief Deputy City Attorney