

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, SEPTEMBER 1 AND 2, 2008
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

REPORTING THE RESULT OF THE CLOSED SESSION MEETING

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 Meeting of September 1 and 2, 2008, as follows:

CLOSED SESSION MEETING FOR MONDAY, SEPTEMBER 1, 2008

The Monday meeting was adjourned due to the Labor Day Holiday. Closed Session Items were heard on Tuesday, September 2, 2008.

CLOSED SESSION MEETING FOR TUESDAY, SEPTEMBER 2, 2008

ROLL CALL:

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

Absent: Councilmember Faulconer - Dist. 2 (Absent for Items CS-4, 7, and 8)
Councilmember Atkins - Dist. 3 (Absent for Items CS-4 and 7)

CLOSED SESSION ITEMS:

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

CS-1 *Bun Bun Tran, et al. v. City of San Diego, et al.*

San Diego Superior Court Case No.: 7-2007-00065432-CU-PA-CTL

DCA Assigned: D. Shanahan

Report: Nothing to report

CS-2 *Pablo Gomez v. City of San Diego, et al.*

San Diego Superior Court Case No.: GIC 877892

DCA Assigned: D. Shanahan

Report: Nothing to report

**CS-3 *In The Matter of: Natural Gas Anti-Trust Cases I, II, III, & IV
Re: All Price Indexing Cases,***

San Diego Superior Court JCCP Nos. 4221, 4224, 4226, and 4228

DCA Assigned: F. Ortlieb

Report: Nothing to report

CS-4 *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)

DGC Assigned: G. Spitzer

Report: Nothing to report

CS-5 *John Ghiotto, et al. v. City of San Diego, et al.*

San Diego Superior Court Case No.: 37-2007-00073878-CU-CR-CTL

DCA Assigned: K. Zlotnik

Report: Nothing to report

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

CS-6 *Number of Potential Cases: Up to 50 (Voluntary Compliance Program Filing)*

DCA Assigned: W. Chung

Report: Nothing to report

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

CS-7 *Number of Cases: One*

DCA Assigned: G. Spitzer

Report: Nothing to report

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

CS-8: *AFSCME Local 127 & San Diego Municipal Employees Association v. City of San Diego*
Case No. LA-CE-352-M

Mayor's request to put on Closed Session Agenda

Motion: To comply with the decision of the Administrative Law Judge and not to file an appeal with the Public Employment Relations Board.

Moved: Council President Peters - Dist. 1

Seconded: Council President Pro Tem Madaffer - Dist. 6

Vote: 7/0 [Passed]

Absent: Councilmember Faulconer - Dist. 2

Report: Below is the report out from Closed Session made by Assistant City Attorney Karen Heumann in Open Session at @ 2:10 p. m.

Today, the City Council voted in Closed Session on Item CS-8, *AFSCME Local 127 and San Diego Municipal Employees Association v. City of San Diego* (Case No. LA-CE-352-M), to comply with the decision of the Administrative Law Judge and not to file an appeal with the Public Employment Relations Board.

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

The motion passed 7 to 0 with Councilmember Faulconer absent.

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

CS-9 *San Diego Firefighters', Local 145, I.a.ff v. City of Sal, Diego (Office of the City Attorney)*
Case No. LA-CE-294-M

Mayor's request to put on agenda.

Report: Nothing to report

REPORTED BY: _____
Karen Heumann
Assistant City Attorney