

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, SEPTEMBER 15 AND 16, 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 and Chief Deputy City Attorney Larry Tomanek report the results of the Closed Session Meeting of September 15 and 16, 2008, as follows:

CLOSED SESSION MEETING FOR MONDAY, SEPTEMBER 15 2008

Closed Session Items were heard on Tuesday, September 16, 2008.

CLOSED SESSION MEETING FOR TUESDAY, SEPTEMBER 16, 2008

ROLL CALL:

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

Absent: Mayor Sanders (Absent for Item CS-5, 7, 8, and 10)
Councilmember Faulconer - Dist. 2 (Absent for Item CS-1)
Councilmember Hueso - Dist. 8 (Absent for Item CS-1)

CLOSED SESSION ITEMS:

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

CS-1 *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-2 *City of San Diego v. RCP Block and Brick, Inc., and Casey Development, Inc.*
San Diego Superior Court Case No. 37-2008-00090291-CU-CD-CTL

DCA Assigned: J. Taylor

Motion: Initiate litigation related to the construction of Siempre Viva Road.
Moved: Councilmember Hueso - Dist. 8
Seconded: Council President Pro Tem Madaffer - Dist. 7
Vote: 8/0 [Passed - Unanimously]
Absent: All Present

Report: Below is the report out from Closed Session made by Assistant
City Attorney Karen Heumann in Open Session at @ 2:08 p. m.

Today, the City Council voted in Closed Session on Item CS-2, *City of San Diego v. RCP Block and Brick, Inc., and Casey Development, Inc.*, San Diego Superior Court Case No. 37-2008-00090291-CU-CD-CTL, to initiate litigation related to the construction of Siempre Viva Road.

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

The motion passed unanimously 8 to 0.

CS-3 *Janet Wood v. City of San Diego*
Federal District Court Case No. 881910

EACA Assigned: D. McGrath

Report: Nothing to report

CS-4 *Jacqueline Lindsay v. Office of the City Attorney and City of San Diego, et al.*
San Diego Superior Court Case No. 881910

DCA: W. Chung

Report: Nothing to report

CS-5 *Deputy City Attorney Association v. City of San Diego*
LA-CE-359

CDCA Assigned: A. Hersh and DCA: W. Gersten

Report: Nothing to report

CS-6 *Chapin and Castleman v Aguirre and City of San Diego, et al.*
Federal District Court Case No. 05CV1906 R (POR)

DCA Assigned: W. Chung

Report: Nothing to report

CS-7 *Kelsey and Luz Soto v. City of San Diego, David Highsmith*
Case No. 37-2007-00063325-CU-PA-S

DCA Assigned: K. Phillips

Report: Nothing to report

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

CS-8 *Citizens for Responsible Equitable Environmental Development v. the City of San Diego (Case #37-2008-00090571-CU-MC-CTL)*

DCA Assigned: N/A

Motion: To defend the litigation related to the University Towne Center Revitalization Project and authorize retention of Outside Counsel to substitute as counsel in this case. Westfield will pay the Outside Counsel fees. Outside Counsel will update the City Council.

Moved: Council President Pro Tem Madaffer - Dist. 7

Seconded: Councilmember Hueso - Dist. 8

Vote: 7/1 [Passed] Councilmember Frye voted "No"

Absent: All Present

Report: Below is the report out from Closed Session made by Assistant City Attorney Karen Heumann in Open Session at @ 2:08 p. m.

Today, the City Council voted in Closed Session on Item CS-8, *Citizens for Responsible Equitable Environmental Development v. the City of San Diego*, Superior Court Case No. 37-2008-00090571-CU-MC-CTL), to defend the litigation related to the University Towne Center Revitalization Project and authorize retention of outside counsel to substitute as counsel in this case. Westfield will pay the outside counsel fees.

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

The motion passed 7 to 1 with Councilmember Frye voting "No".

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

CS-9 *Crabbe, et al. v. City of San Diego*

San Diego Superior Court Case No. 37-2008-00077405-CU-EI-CTL

Al-Quraini, et al. v. City of San Diego

San Diego Superior Court Case No. 37-2008-00080246-CU-EI-CTL

McCormick, et al. v. City of San Diego

San Diego Superior Court Case No. 37-2008-00082194-CU-EI-CTL

CDCA Assigned: L. Tomanek

Report: Nothing to report

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

CS-10 Agency Negotiator:

Steven Berliner, Scott Chadwick, Thom Harpole,
Alan Hersh, and Jessica Falk Michelli

Employee Organizations:

Municipal Employees Association, AFSCME Local 127
AFL-CIO, Local 145 International Association of Firefighters

DCAs Assigned: A. Hersh/J. Falk Michelli

Report: Nothing to report

REPORTED BY: _____

Karen Heumann
Assistant City Attorney