CITY COUNCIL OF THE CITY OF SAN DIEGO THE CLOSED SESSION MEETING REPORT FOR MONDAY AND TUESDAY, MARCH 5 - 6, 2012 CITY ADMINISTRATION BUILDING COMMITTEE ROOM – 12TH FLOOR

202 "C" STREET SAN DIEGO, CA 92101

REPORTING THE RESULTS 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 Mary Jo Lanzafame reports the results of the Closed Session Meeting of March 5 and 6, 2012, as follows:

CLOSED SESSION MEETING FOR MONDAY, MARCH 5, 2012

(Closed Session Items were heard on Tuesday, March 6, 2012.)

CLOSED SESSION MEETING FOR TUESDAY, MARCH 6, 2012

(Closed Session Meeting was held at 9:00 a.m. and reconvened at 10:45 a.m.)

ROLL CALL FOR TUESDAY, MARCH 6, 2012 AT 9:00 A.M.:

Present: Mayor Sanders, Council President Young, Council President Pro Tem

Faulconer, and Councilmembers Lightner, Gloria, DeMaio, Zapf, and

Emerald

Absent: Councilmember Alvarez – Dist. 8 (Absent for Meeting.)

CLOSED SESSION ITEMS FOR MONDAY, MARCH 6, 2012, AT 9:00 A.M.:

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

CS-1 City of San Diego ex rel. Heffner v. Rural/Metro Corporation

San Diego Superior Court Case No. 37-2010-00099272-CU-MC-CTL

DCAs Assigned: K. Phillips and S. Singer

Report: Nothing to Report

CS-2 Save Our Heritage Organisation (SOHO) v. City of San Diego

San Diego Superior Court Case No. 37-2011-00095579-CU-WM-CTL

ACA Assigned: D. Worley

NOTE: This Item was heard at the 10:45 a.m. session of the Tuesday, March 6, 2012,

Closed Session Meeting

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

CS-3 City v. San Diego Landfill Systems, LLC/Republic Services, Inc.

Case/Claim Number: not applicable

DCAs Assigned: G. Lowenberg,

C. Welch

NOTE: This Item was heard at the 10:45 a.m. session of the Tuesday, March 6, 2012,

Closed Session Meeting

CLOSED SESSION MEETING FOR TUESDAY, MARCH 6, 2012, at 10:45 p.m.

ROLL CALL FOR TUESDAY, MARCH 6, 2012 AT 10:45 A.M.:

Present: Council President Young, Council President Pro Tem Faulconer, and

Councilmembers Lightner, Gloria, DeMaio, Zapf, Emerald, and Alvarez

Absent: Mayor Sanders (Absent for the Meeting.)

CLOSED SESSION ITEMS FOR TUESDAY, MARCH 6, 2012, AT 10:45 A.M.:

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

CS-2 Save Our Heritage Organisation (SOHO) v. City of San Diego

San Diego Superior Court Case No. 37-2011-00095579-CU-WM-CTL

ACA Assigned: D. Worley

Report: Nothing to Report

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

CS-3 City v. San Diego Landfill Systems, LLC/Republic Services, Inc.

Case/Claim Number: not applicable

DCAs Assigned: G. Lowenberg,

C. Welch

Motion: Approve settlement wherein Allied Waste Industries, Inc., is to pay \$150,000

and to process City Green Waste at Sycamore Canyon and Otay Landfills at the contract rate retroactive to July 1, 2010, for the remaining term of agreement;

waiver of all future claims; and each side to bear its own fees and costs.

Moved: Councilmember Lightner – Dist. 1 Seconded: Councilmember Alvarez – Dist. 8

Vote: Passed Unanimously 8 to 0

Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on

Tuesday, March 6, 2012, at 3:57 p.m.

In Closed Session, today, the City Council voted on Closed Session Item No. 3, *City v. San Diego Landfill Systems, LLC/Republic Services, Inc.*, to approve settlement wherein Allied Waste Industries, Inc., is to pay \$150,000 and to process City Green Waste at Sycamore Canyon and Otay Landfills at the contract rate retroactive to July 1, 2010, for the remaining term of agreement; waiver of all future claims; and each side to bear its own fees and costs. This matter involves a claim for breach of contract arising under the Facility Franchise Agreement for the Sycamore Canyon Landfill.

The motion passed unanimously 8 to 0.

REPORTED BY:	<u>/s/</u>	
	Mary Jo Lanzafame	
	Assistant City Attorney	