

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, FEBRUARY 25 AND 26, 2013  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> 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 February 26, 2013, as follows:

**CLOSED SESSION MEETING FOR MONDAY, FEBRUARY 25, 2013**

(Closed Session Items were heard on Tuesday, February 26, 2013.)

**CLOSED SESSION MEETING FOR TUESDAY, FEBRUARY 26, AT 9:00 A.M.**

**(NOTE:** The Closed Session Meeting was held at 9:00 a.m. and continued to 11:00 a.m.)

**ROLL CALL:**

Present: Mayor Filner, Council President Gloria, Council President Pro Tem Lightner, and Councilmembers Kersey, Zapf, Sherman, Alvarez, and Emerald.

Absent: Council District 4 - vacant

**CLOSED SESSION ITEMS:**

**Conference with Legal Counsel – significant exposure to litigation, pursuant to California Government Code section 54956.9(d)(2):**

CS-1 Number of Cases: One

DCA Assigned: K. Steinman

Report: Nothing to report out.

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(d)(1):**

CS-2 *Melvin Shapiro v. COSD, et al.*

*San Diegans for Open Government v. COSD, et al.*

San Diego County Superior Court Case No. 37-2012-00087765-CU-MC-CTL

DCA Assigned: K. Steinman

Report: Nothing to report out.

**CS-3** *Save Our Heritage Organisation v. City of San Diego* (Plaza de Panama Committee, Real Party in Interest)  
San Diego Superior Court Case No. 37-2012-00102270

DCA Assigned: A. Contreras

Report: Nothing to report out.

**CLOSED SESSION MEETING FOR TUESDAY, FEBRUARY 26, 2013, AT 11:00 A.M.**

**ROLL CALL:**

Present: Council President Gloria, Council President Pro Tem Lightner, and Councilmembers Kersey, Zapf, Sherman, Alvarez, and Emerald.

Absent: Mayor Filner; Council District 4 - vacant.

**CLOSED SESSION ITEMS:**

**Conference with Legal Counsel – significant exposure to litigation, pursuant to California Government Code section 54956.9(d)(1):**

**CS-4** *Wave House Belmont Park, LLC v. City of San Diego*  
San Diego Superior Court case no. 37-2011-00102475

*Symphony Asset Pool XVI LLC v. Wave House Belmont Park, LLC, et al.*  
San Diego Superior Court case no. 37-2011-00093959

*In re: Wave House Belmont Park*  
United States Bankruptcy Court case no. 10-19663-LT11

DCA Assigned: G. Schaefer

Report: Nothing to report out.

**CS-5** *San Diegans for Open Government v. City of San Diego*  
San Diego Superior Court Case No. 37-2011-00101234-CU-TT-CTL

DCA Assigned: A. Contreras

Report: Nothing to report out.

**CS-6 Discharge of Untreated Sewage to Los Penasquitos Creek, Los Penasquitos Lagoon, and the Pacific Ocean on September 8, 2011 Caused by Loss of Power at Pump Station 64**

San Diego Regional Water Quality Control Board Investigative Order No. R9-2011-0070

DCA Assigned: J. Jung

Report: Nothing to report out.

**Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(d)(4):**

**CS-7** Number of Cases: One

DCA Assigned: D. Worley

Report: Nothing to report out.

**CS-8** Number of Cases: One

DCA Assigned: J. Taylor

Motion: Authorize the City Attorney to initiate litigation.

Moved: Councilmember Lightner, District 1

Seconded: Councilmember Emerald, District 9

Vote: Passed 8 to 0, with Council District 4 vacant.

Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, February 26, 2013, at 5:05 p.m.

Report: Today in Closed Session, the City Council voted on Closed Session Item No. 8, to initiate litigation. Once litigation is formally commenced, the action, the defendants, and other particulars will be disclosed to any person upon inquiry unless to do so would jeopardize effective service of process or settlement negotiations.

REPORTED BY: \_\_\_\_\_  
Mary Jo Lanzafame  
Assistant City Attorney