

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SPECIAL CLOSED SESSION DOCKET
FOR
MONDAY, MAY 24, 2004
AT 2:00 P.M.**

NOTE: In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings, adopted on March 29, 2004, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. Please see the Open Session Agenda to determine when such matters may be heard.

Due to the anticipated length of the regular City Council meeting for May 24 and 25, 2004, and in consideration of the number of items on the Closed Session agenda for May 25, 2004, the Mayor is calling a Special Closed Session meeting for Monday, May 24, 2004, in the Committee Room on the 12th Floor of the City Administration Building, 202 C Street, San Diego California. The Special Closed session will commence immediately following the conclusion of the regular open session meeting that day.

Pursuant to the new temporary Council Rule on closed sessions, the public will have the opportunity to comment on these matters during the regular open session of the City Council on May 24, 2004. The open session agenda for that day will reflect the appropriate open session item for public comment. The closed session called pursuant to this memorandum may continue into Tuesday, May 25, 2004.

The agenda for the Special Closed Session is the following:

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

**CS-1 *City of San Diego v. Gonsalves, et al. San Diego*
San Diego Superior Court No. GIC 771345-1**

DCA assigned: Claudia Silva

The City is acquiring approximately 5.5 acres of a 40-acre parcel for State Route 56. The property is unimproved, "raw" land located in Subarea III of the North City Future Urbanizing Area. In closed session, the City Attorney and the City's outside counsel will report to the City Council on the proposed settlement of the litigation and seek direction on a proposed settlement.

**CS-2 *Chargers Football Company, LLC v. City of San Diego*
Los Angeles Superior Court Case No. BC 306758**

ACA assigned: Leslie J. Girard

This matter concerns the litigation filed by the San Diego Chargers [Chargers] against the City of San Diego [City], and the City's related cross complaint against the Chargers, over the validity of the "trigger" notice delivered to the City by the Chargers in March of 2003 pursuant to the 1995 agreement for the use of Qualcomm Stadium [1995 Agreement]. In closed session, the City's outside litigation counsel and the City Attorney will report on the status of the litigation and the status of any additional discussions with the Chargers concerning the term sheet authorized by the City Council on April 26, 2004, to be conveyed to the Chargers. The City Council may give further direction to its attorneys and consultants with regard to the matter.

**CS-3 *Building Industry Association, Inc. v. City of San Diego*
San Diego Superior Court Case No. GIC 817074**

DCA assigned: John Mullen

This case involves a challenge to the City Council's decision on June 3, 2003, to adopt the Inclusionary Housing Ordinance [Ordinance], codified at Chapter 14, Article 2 of the San Diego Municipal Code [SDMC]. Plaintiff Building Industry Association challenges the validity of the Ordinance on several grounds, including claims that the Ordinance authorizes an illegal exaction, unlawfully delegates legislative power, and impairs the vested property rights of land owners. The case is set for trial on July 16, 2004. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction on Plaintiffs' most recent offer to settle the case.

**CS-4 *Anna Hofmeister and Lisa M. Vargas v. City of San Diego*
San Diego Superior Court Case No. GIC 795907**

DCA assigned: Mark Stiffler

This is a personal injury case in which Plaintiffs contend that they were sexually harassed while employed as paramedics in the San Diego Fire Department. In closed session, the City Attorney will report to the City Council on settlement negotiations and the status of the case.

**CS-5 *Gleason v. San Diego City Employees' Retirement System*
San Diego Superior Court Case No. GIC 803779**

HDCA Assigned: Christopher Morris

This matter involves litigation concerning the City's retirement system and the City's obligation to fund that system. A tentative settlement has been reached with the plaintiffs, the terms of which generally involve certain payments by the City to the system in each of Fiscal Years 2005, 2006, 2007 and 2008. In closed session, the City Attorney and the City's outside counsel will report to the City Council on the conduct of negotiations to finalize a settlement agreement, and the status of the court proceedings to implement the settlement.

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

CS-6 *In the matter of City of San Diego Bond Offerings, Securities & Exchange Commission No. LA-2842, and United States Attorney's Office Investigation into certain City of San Diego Financial Disclosure Matters.*

ACA assigned: Les Girard

The federal Securities & Exchange Commission and the United States Attorney's Office for the Southern District of California have initiated investigations into certain financial disclosure matters of the City. The investigations were initiated in mid-February, 2004, and the City has been cooperating with the investigating authorities in the course of the investigations to-date. In closed session, the City's outside counsel and the City Attorney will advise the City Council on the progress of the investigations and legal issues relating to the City's response to and cooperation with the investigating authorities.

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

CS-7 Property: Qualcomm Stadium

City Negotiator: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., and Daniel S. Barrett

Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium Site pursuant to the recommendations of the Citizens' Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

ACA assigned: Les Girard

This matter involves negotiations authorized by the City Council in March of 2003 between the City of San Diego [City] and San Diego Chargers [Chargers] regarding the Qualcomm Stadium site, pursuant to both the recommendations of the Citizens' Task Force on Chargers Issues and the "Trigger Notice" sent to the City by the Chargers in March of 2003.

In closed session, the City's negotiating team will report to the City Council on the status of any discussion with the Chargers concerning the term sheet authorized by the City Council on April 26, 2004, to be conveyed to the Chargers.

Please see the description on the closed session agenda under "pending litigation" — *Chargers Football Company, LLC v. City of San Diego* for a description of a related matter

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

**CS-8 Agency negotiators: Lamont Ewell, Cathy Lexin,
Mike McGhee, Christopher Morris**

Employee organizations: Municipal Employees Association, Local
127 AFSCME, AFL-CIO, Local 145 International
Association of Firefighters AFL-CIO, San Diego
Police Officers Association

HDCA assigned: Chris Morris

In closed session, the City Manager and the City's negotiators will review with the City Council the City's position with respect to the salary and fringe benefits of the represented employees, and request instructions from the City Council as to those matters.