

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
TUESDAY, JUNE 15, 2004
AT 9:00 A.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.

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

CS-1 *Frank and Marilyn Wyatt v. City of San Diego*
Claim No. LP03-7773-2167

HDCA assigned: Frank Devaney

This is a property damage claim regarding a sewer back-up which occurred on March 4, 2003. Risk Management requests that the Mayor and City Council consider a possible settlement of this claim in Closed Session.

CS-2 *City of San Diego v. Fax.com, et al.*
San Diego Superior Court No. GIC 821878

DCA assigned: Yolanda Gammill

This matter concerns the sending of unsolicited faxes to the City of San Diego by Fax.com and its officers in violation of the federal Telephone Consumer Protection Act. In closed session, the City of San Diego will inform the City Council of the status of the case and seek authorization to negotiate and accept a settlement.

- CS-3 *Border Business Park v. City of San Diego*
Appellate Case No. D039225; SDSC Case No. GIC 692794
Otay Acquisitions v. City of San Diego
SDSC Case No. GIC 753247
National Enterprises, Inc. v. City of San Diego
SDSC Case Nos. GIC 791407; GIC 805465

ACA assigned: Les Girard

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego [City] regarding the Border Business Park in Otay Mesa. The Border Business Park case resulted in a jury verdict against the City which is now on appeal. The National Enterprises and Otay Acquisitions cases are currently awaiting trial in the Superior Court. In closed session, the City Attorney will report on the status of on-going settlement negotiations and request further direction regarding those negotiations.

- CS-4 *Chargers Football Company, LLC v. City of San Diego*
Los Angeles Superior Court Case No. BC 306758

ACA assigned: Les 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-5 *De Anza Cove Homeowners Association, Inc. v. City of San Diego*
San Diego Superior Court Case No. GIC 821191

DCA assigned: Carrie Gleeson

This matter concerns the litigation filed by the De Anza Cove Homeowners Association [HOA] against the City of San Diego seeking damages related to expiration of the prior lease and transition of the property from use as a mobile home park to park and recreational use. In closed session, the City's outside litigation counsel and the City Attorney will report on the status of the litigation, other matters affecting the litigation.

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

CS-6 *City of San Diego v. County of San Diego*

DCA assigned: Yolanda Gammill

This matter concerns a dispute between the City of San Diego [City] and the County of San Diego [County] over the County's failure to reimburse the City for laboratory fees and costs collected by the County in criminal court cases. In closed session, the City Attorney will advise the City Council about the dispute and seek direction as to what action, if any, the City should pursue in attempting to resolve it.

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.