

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SPECIAL CLOSED SESSION DOCKET
FOR
MONDAY, NOVEMBER 22, 2004 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings 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 November 23, 2004, the Mayor is calling a Special Closed Session meeting for Monday, November 22, 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 November 22, 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, November 23, 2004.**

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

**CS-1 *Nextel of California, Inc. v. City of San Diego*
United States District Court Case No. 01cv2280LAB (BLM)**

DCA assigned: FitzGerald

This case involves a federal lawsuit by Nextel of California seeking to force the City to allow an existing wireless communications facility (the Nextel-Murray Ridge Project) to continue to operate under an erroneously processed permit. In closed session, the City Attorney will advise the Mayor and City Council of the status of the matter and seek appropriate direction.

**CS-2 *Kuritsky, Flora and Morris v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC 816930**

DCA assigned: Jones

This is a personal injury case in which Plaintiff contends that she tripped and fell as a result of a dangerous condition of a City sidewalk in Balboa Park. In closed session, the City Attorney will advise the Mayor and City Council of the status of the matter and seek appropriate direction.

**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: 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 *League of Women Voters of San Diego, et al. v. Sally McPherson, et al.*
San Diego Superior Court No. GIC 838890**

ACA assigned: Girard

This lawsuit was recently filed concerning the ballot count in the mayoral race. The City Clerk is named as a Real Party in Interest. In closed session, the City Attorney will brief the Council on the allegations in the complaint.

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

CS-5 Agency negotiators: Lamont Ewell, Cathy Lexin, Mike McGhee

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's negotiating team will review with the City Council the City's anticipated position with respect to the upcoming meet and confer process. Topics to be discussed include, but are not limited to: 1) salaries and wages, 2) health benefit plans, 3) retirement benefits, including the recommendations from the Pension Reform Committee, and 4) Presidential Leave and Presidential Benefit for union presidents. The City Manager and staff will request instructions from the City Council as to those matters.