

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, NOVEMBER 13, 2006
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, 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. **Public testimony for this Closed Session Agenda will be taken today during the 2:00 p.m. Council meeting.**

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

CS-1 *Border Business Park v. City of San Diego*
Appellate Case No. D039225; San Diego Superior Court Case No. GIC 692794
Otay Acquisitions v. City of San Diego
San Diego Superior Court Case No. GIC 753247
National Enterprises, Inc. v. City of San Diego
San Diego Superior Court Case Nos. GIC 791407; GIC 805465

EACA assigned: D. McGrath

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego regarding the Border Business Park in Otay Mesa. In closed session, the Executive Assistant City Attorney and retained counsel will update the Mayor and City Council on the status of these matters and seek additional funding for outside counsel services.

**CS-2 *William J. McGuigan v. City of San Diego*
San Diego Superior Court Case No. GIC849883**

EACA assigned: D. McGrath

This lawsuit was filed on behalf of a retired City employee against the City of San Diego requesting that the Court order the City to immediately pay all past unfunded pension liability to the retirement system. In closed session, the Executive Assistant City Attorney and retained outside counsel will update the Mayor and City Council on the litigation's status and discuss settlement of the litigation and seek additional funding for outside counsel services.

**CS-3 *San Diego Police Officers Association v. Aguirre, et al.* [SDPOA#1]
United States District Court No. 05 CV 1581**

EACA assigned: D. McGrath

This matter is an action filed by the San Diego Police Officers Association for damages and declaratory relief. In closed session the Executive Assistant City Attorney will update the Mayor and City Council on the status of the matter and seek additional funding for outside counsel services.

**CS-4 *Aaron, et al. v. Aguirre, City of San Diego, et al.*, [SDPOA#3]
United States District Court Case No. 06 CV 1451**

EACA assigned: D. McGrath

This matter is a class action filed by numerous police officers against the City Attorney, the City of San Diego and a number of current and former City Council Members and employees. In closed session the Executive Assistant City Attorney will update the Mayor and City Council on the status of the matter and seek additional funding for outside counsel services.

CS-5 Steven A. Sloan, et al. v. City of San Diego
San Diego Superior Court Case No. GIC 848641

DCA assigned: Stiffler

This lawsuit was filed by members of the Canine Unit of the San Diego Police Department seeking to have Canine Care Pay included in Retirement Base Compensation. In closed session the Deputy City Attorney will update the Mayor and City Council on the status of the matter and request retention of outside counsel in the matter.

CS-6 Joseph A. Lopez, et. al. v. City of San Diego
San Diego Superior Court Case No. GIC 869054

DCA assigned: M. Stiffler

This lawsuit was filed by members of the Motorcycle Unit of the San Diego Police Department seeking to have Motorcycle Care Pay included in Retirement Base Compensation. In closed session the Deputy City Attorney will update the Mayor and City Council on the status of the matter and request retention of outside counsel in the matter.

CS-7 Citizens for Responsible Equitable Environmental Development v. City of San Diego
San Diego Superior Court Case No. GIC871259

DCA assigned: M. Dickenson

This matter involves a California Environmental Quality Act Petition for Writ of Mandate which challenges the City's approval of condominium conversions. The City Attorney requests that the Mayor and City Council consider a possible settlement of this case in closed session.

**CS-8 *Michael Shames v. City of San Diego*
San Diego Superior Court Case No. GIC 831539**

DCA assigned: J. Riley

This case involves an alleged over billing of single-family sewer customers in violation of the state constitution and a breach by the City of San Diego of loan and grant contracts from the State of California and the Federal Government. In closed session, the City Attorney will update the City Council related to the mediation process and seek approval of the proposed settlement.

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

CS-9 Agency negotiator: Scott Chadwick, J. Rod Betts, Lisa Briggs, Rich Snapper, Jessica Falk Michelli William Gersten, Joe Harris, Rick Reynolds

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

DCA assigned: W. Gersten

Discuss with Council the negotiations with all five labor unions (Municipal Employees Association, AFSCME Local 127, Police Officers Association, International Association of Firefighters Local 145, and the Deputy City Attorney's Association) regarding the implementing ordinances for the Mayor's Ballot proposals that would allow for the managed competition of certain City services and also require voter approval for enhancements to employee pension benefits.