

REVISED

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, NOVEMBER 20, 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 *County of San Diego v. Redevelopment Agency of the City of San Diego, et al.*
San Diego Superior Court Case No. GIC 850259**

DCA Assigned: G. Spitzer

This litigation regards the validity of City Council’s adoption of the Grantville Redevelopment Plan, Ordinance No. O-19380. In closed session the City Attorney will provide a status of the litigation pursuant to the City Council’s request.

**CS-2 *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.

**CS-3 *Boat Depot, Inc v. City of San Diego./SMCM Partners GP v. City of San Diego*
Consolidated under San Diego Superior Court Case No. GIC 846472**

DCA Assigned: W. Donnell

This matter involves a claim for flood damages at 4025-4035 Pacific Highway, resulting from the failure of the storm drain system on October 27, 2004. The City Attorney requests that the Mayor and City Council consider a possible settlement of the case in closed session.

**CS-4 *El Cortez Property Owners Association, et al. v. Center City Development Corporation, Redevelopment Agency of the City of San Diego, City of San Diego*
San Diego Superior Court Case No. GIC873710**

DCA Assigned: M. Dickenson

This matter is a complaint for declaratory and injunctive relief regarding an agreement between the Redevelopment Agency and the owner of certain real property commonly known as El Cortez. The City Attorney will update the city council on the status of the litigation in closed session.

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

**CS-5 *City Heights Square, L.P. et al. vs. City of San Diego*
City Files #LP06-0705-2384**

DCA Assigned: R. Palmucci

This is a water main break which caused flood damage to the real and personal property of City Height Square, L.P., at the southeast corner of 43rd Street and Polk Avenue in the City Heights area of San Diego. The City Attorney requests that the City Council consider a possible settlement of the case in closed session.

**CS-6 *Settlement of Contractual Claims on Mid-City Transit Facilities – El Cajon Blvd.
and University Avenue Projects.***

DCA Assigned: M. Wright-Travis

This matter involves the construction of Mid-City Transit Facilities projects. The contractor submitted two contractual claims requesting monies for delay and extra work. In closed session, the City Attorney will advise the City Council on the status of the matter and seek appropriate direction for resolution of the matters.

CS-7 Brian Lehmkuhler, Claim No. LP06-0534-1397
Rudy Leisch, Claim No. LP06-0534-1298
Gabby Lopez, Claim No. LP07-0534-0688

DCA Assigned: C. Brock

The above claims for property damage arise from failure of a corrugated metal storm drain pipe in the South Bay area, on property located at or near the 1300 block of Del Sol Lane. Property damage occurred at 1334, 1344 Del Sol Lane and 3296 Clavelita Street. In closed session the City Attorney will seek authority to settle property damage claims.

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

CS-8 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.