

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, NOVEMBER 17, 2008
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Permanent Rules 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 *Blackwater Lodge and Training Center, Inc. v. Broughton et al.*
United States District Court Case No. 08-CV-0926-H**

CDCA Assigned: M. Severson

DCA's Assigned: C. Brock, R. Walters, and G. Schaefer

Plaintiff filed its complaint against the City of San Diego, Kelly Broughton, and Afsaneh Ahmadi in federal district court claiming Plaintiff would be irreparably harmed if it was not allowed to immediately occupy a leased industrial warehouse in the City's planned Otay Mesa Development District to conduct training programs. The City Attorney will discuss the status of the litigation and Plaintiff's proposal for resolution of the case.

**CS-2 *Valerie O'Sullivan v. City of San Diego*
San Diego Superior Court Case No. GIC 826918; Court of Appeal Case No. 826918**

***La Jolla Friends of the Seals, et al v. National Oceanic and Atmospheric
Administration National Marine Fisheries Service, et al.*
U.S. District Court Case No. 08CV1847 WQH POR**

***Animal Protection Rescue League v. State of California, et al.*
United States District Court No. 07-cv-2320-JM-AJB; Ninth Cir. Case No. 08-55319;
United States Supreme Court Case No. 08-561**

DCA Assigned: G. Schaefer

In the first case, a Superior Court Judge rendered a judgment against the City and ordered the City to dredge Children's Pool Beach. In the second case, a non-profit organization and a citizen recently sued the City and the Federal Government over whether a federal permit is necessary to remove a seal colony at Children's Pool and whether a rope barrier must be installed during the seal pupping season. In the third case, a similar lawsuit was brought against the City and the federal court dismissed the lawsuit. The Plaintiffs have filed an appeal to the United States Supreme Court. The City Attorney needs to discuss in closed session with the Mayor and the City Council the status of all three of these cases.

**CS-3 *Marcus Abbe, et al. [190+ Individual Police Officers] v. City of San Diego [POA2]*
United States District Court Case No. 05 CV 1629 DMS; 06 CV 0538**

EACA Assigned: D. McGrath
DCA Assigned: G. Schaefer

Over 1500 former and current San Diego police officers sued the City in federal court for unpaid wages, including overtime. The jury trial is set to commence on January 5, 2009. The federal court has scheduled a settlement conference for November 21, 2008. The City Attorney needs to brief the Mayor and City Council in closed session on the status of the litigation and confer in preparation for the settlement conference.

**CS-4 *John Trunkey, et al. v. City of San Diego*
Claim No. LP07-0705-1147**

DCA Assigned: R. Palmucci

This matter involves an un-litigated claim arising out of a water main break that caused extensive damage to the La Jolla home of claimant John Trunkey on December 17, 2006. The City Attorney requests that the Mayor and City Council be informed of a possible settlement of this claim in closed session.

**CS-5 *Grantville Action Group v. The City of San Diego, et al.*
San Diego County Superior Court Case No. 37-2008-0092628-CU-MC-CTL**

DCA Assigned: G. Spitzer

This litigation relates to a challenge to the settlement of the Grantville Redevelopment Plan validation action, which settlement the Redevelopment Agency and City Council approved on July 29, 2008. City Council and the Redevelopment Agency will confer with the City Attorney regarding the litigation.

**CS-6 *Estate of Jacob Faust, et al. v. City of San Diego*
San Diego Superior Court Case No. GIC 880142**

DCA Assigned: D. Shanahan

The *Estate of Jacob Faust, et al. v. City of San Diego* matter is an action filed by Richard and Lynn Faust for wrongful death-negligence and wrongful death-battery, resulting from the officer-involved shooting death of their son. In closed session, the City Attorney will brief the Mayor and City Council on this matter and recommend settlement.

**CS-7 *Chapin and Castleman v. Aguirre and City of San Diego, et al.*
Federal District Court Case No. 05CV1906 R (POR)**

DCA Assigned: W. Chung

The *Chapin and Castleman v Aguirre and City of San Diego, et al.*, matter is an action filed by James Chapin and Penny Castleman for wrongful constructive termination. In closed session, the City Attorney will brief the Mayor and the City Council on the status of this matter and discuss the continued retention of outside counsel to handle this litigation.

**CS-8 *Todd Sabin, Stacy Sabin, Stephen Games, Sandra Games v. City of San Diego*
(San Diego Superior Court Case No. 37-2008-00090721-CU-PA-CTL;**

***City of San Diego v. Todd Sabin, et al.*
San Diego Superior Case No. 37-2008-00081284-CU-OR-CTL)**

DCA Assigned: M. Dickenson

These matters concern certain property owners' encroachments on a City street and a related settlement agreement resulting from prior litigation. The City Attorney will update the Mayor and City Council on the status of the litigation.

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

CS-9 In re matter of City of San Diego filing bankruptcy proceedings for reorganization.

EACA Assigned: D. McGrath

In closed session, the City Attorney will discuss with the Mayor and the City Council the City of San Diego's possible Chapter 9 proceeding and the need to retain Orrick, Herrington, counsel for the City of Vallejo.

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

CS-10 Agency Negotiator: Scott Chadwick, Jay Goldstone

Employee Organization: AFSCME Local 127

CDCA Assigned: Alan Hersh

DCA Assigned: Bill Gersten

Conference with Labor Negotiators regarding negotiated settlement of language and remedy contained in City-Local 127 MOU Article 44, A. 2, and the taking of possible action in connection therewith.