

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, DECEMBER 1, 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 *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-3 *City of San Jose v. Operating Engineers Local Union No. 3, et al.*
California Supreme Court Case No. S162647**

CDCA Assigned: A. Hersh

The *City of San Jose v. Operating Engineers Local Union No. 3, et al.*, matter is a case pending before the California Supreme Court, on the following issue: Does the Public Employment Relations Board have the exclusive initial jurisdiction to determine whether certain "essential" public employees covered by Meyers-Milias-Brown Act (Cal. Gov't Code § 3500 3511) have the right to strike, or does that jurisdiction rest with the superior court? In closed session, the City Attorney will brief the Mayor and the City Council on the status of this matter and the City's Amicus Brief in support of the City of San Jose.

Conference with Labor Negotiator, pursuant to Government Code Section 54957.6

CS-4 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.

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

CS-5 Number of Potential Cases: Up to 50 (Voluntary Compliance Program Filing)

DCA Assigned: W. Chung

In closed session, the Mayor requests that Outside Counsel provide advice relating to the Pension System Changes included in the Voluntary Compliance Program Filing that may affect the pension benefits of employees, retirees and their beneficiaries.