

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, MARCH 9, 2009
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 Labor Negotiator, pursuant to Government Code Section 54957.6:

CS-1 Agency Negotiators: William Kay, Timothy Davis, Scott Chadwick, Judy von Kalinowski, Thom Harpole, Kim Nguyen, Woo-Jin Shim, Lourdes Silva, Valerie VanDeweghe, Javier Mainar, Brian Fennessy, David Ramirez, Robert Kanaski, Paul Cooper, Jan Goldsmith. Tanya Tomlinson, Joan Dawson, William Gersten, Lori Thacker

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

DCA Assigned: J. Dawson

Discussion with the Mayor and City Council pending contract negotiations with employee unions (Police Officers Association, International Association of Firefighters Local 145, Municipal Employees Association, AFSCME Local 127 and the Deputy City Attorney's Association).

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

CS-2 *Friends and Concerned Citizens of University City, et al. v. City of San Diego*
San Diego Superior Court Case No. 37-2007-00078058-CU-TT-CTL

This litigation is regarding a proposed development at Costa Verde. Outside Counsel requests that the Mayor and City Council consider a proposed settlement of the matter in Closed Session.

CS-3 *Valerie O'Sullivan v. City of San Diego*
San Diego Superior Court Case No. GIC 826918;
California Court of Appeal Case No. D053230

DCA Assigned: G. Schaefer

A Superior Court Judge rendered a judgment against the City and ordered the City to restore Children's Pool Beach to its 1941 configuration. After the judgment was affirmed on appeal, the Superior Court awarded additional attorneys' fees and costs to the Plaintiff totaling \$431,835.77 and the City Council voted to appeal this award. The City Attorney intends to present to the Mayor and City Council for its consideration a settlement offer that was made by the Plaintiff for settlement of the attorneys' fees and costs award. The City Attorney also needs to discuss in Closed Session with the City Council and the Mayor the status of the proceedings in Superior Court, including a pending request by the Plaintiff for a preliminary injunction against the City.

CS-4 *McGuigan v. City of San Diego*
San Diego Superior Court Case No. GIC 849883

DCA Assigned: W. Chung

McGuigan v. City of San Diego is an action related to underfunding of the City's Pension Plan. In Closed Session, the City Attorney will brief the Mayor and City Council on the status of the litigation and strategy.

CS-5 *Jacqueline Lindsay v. City of San Diego*

San Diego Superior Court Case No. 37-2007-00081422-CU-WT-CTL

DCA Assigned: W. Chung

Jacqueline Lindsay v. City of San Diego is an action by former Deputy City Attorney Jacqueline Lindsay against the City of San Diego and based upon allegations of disability discrimination and wrongful discharge. In Closed Session, the City Attorney will brief the Mayor and City Council on the status of the litigation and strategy.

CS-6 *James M. Chapin and Penney Castleman v. Michael Aguirre and City of San Diego*

United States District Court Case No. 05CV1906R (POR)

DCA Assigned: W. Chung

James M. Chapin and Penney Castleman v. Michael Aguirre and City of San Diego is a wrongful termination case arising from both of Plaintiffs prior employment as former Deputy City Attorneys. In Closed Session, the Deputy City Attorney and Outside Counsel retained by the City will brief the Mayor and City Council on the matter and present a settlement offer made by Plaintiffs.