

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, MARCH 23, 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 *John Ghiotto, et al. v. City of San Diego, et al.*

San Diego Superior Court Case No. 37-2007-00073878-CU-CR-CTL

DCA Assigned: K. Zlotnik

The matter involves a sexual harassment, retaliation, and violation of right to freedom of speech lawsuit against the City and San Diego Fire-Rescue Dept. In Closed Session, the City Attorney will request that the Mayor and City Council consider an appeal.

CS-3 *Chollas Restoration, Enhancement and Conservancy Community Development Corporation v. City of San Diego*

San Diego Superior Court Case No. 37-2008-00093831-CU-TT-CTL

DCA Assigned: J. Gilman

Chollas Restoration, Enhancement and Conservancy Community Development Corporation of San Diego filed a writ of mandate in the San Diego Superior Court alleging violation of the California Environmental Quality Act (CEQA) and other laws. The allegations stem from the City's adoption of a Mitigated Negative Declaration (MND) for Project Number 149112. In Closed Session, the City Attorney's Office will update the Mayor and City Council on the status of the litigation as well as the possibility of settlement.

CS-4 *City of San Diego v. Onsite Energy, Hess Corporation et al.*

San Diego Superior Court Case No. 37-2008-00075111

DCAs Assigned: C. Welch and F. Ortlieb

The City sued Onsite Energy Corporation, Hess Corporation and two Hess subsidiaries for breach of contract and breach of warranty related to an agreement calling for Onsite to plan, design and construct energy conservation measures for the San Diego Police Department Headquarters at 14th and Broadway in San Diego. In Closed Session, the City Attorney will recommend that a settlement reached following mediation be accepted.

CS-5 *City of San Diego v. Sunroad Enterprises, et al.*
San Diego Superior Court Case No. GIC 877054

DCA Assigned: C. Brock

Case No. GIC 877054 was initiated by the City Attorney to abate the public nuisance created by Sunroad Enterprises' construction of a 12-story, 180-foot building which had been declared a "hazard" to air navigation at the City's Montgomery Field Airport by the Federal Aviation Administration (FAA). Sunroad Enterprises cross-complained against the City claiming the City issued permits for the building and, therefore, the City is responsible for any monetary loss Sunroad may incur. The City Attorney will discuss the status of the pending litigation, associated costs of trial, and Sunroad's settlement proposal.