

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
CLOSED SESSION DOCKET  
FOR  
TUESDAY, AUGUST 2, 2005 AT 9:00 A.M.  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**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. **Please see the regular meeting Open Session Agenda to determine when such matters may be heard.**

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

**CS-1 *Brown Field Aviation Ventures v. City of San Diego, et al.***  
San Diego Superior Court, Case Number GIC817232

CDCA assigned: C. Gleeson

This action involves a lease dispute between the City of San Diego, as the owner of the real property at the Brown Field Airport, and two private parties with leasehold interests at the Airport. Plaintiffs' allege that the City has breached the Master Lease by failing to allow Plaintiffs to use the property for non-aviation related uses. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction on possible settlement of the case.

**CS-2 *San Diego City Employees' Retirement System v. San Diego City Attorney, et al. and related Cross-Action***  
San Diego Superior Court No. GIC841845

ACA assigned: D. McGrath

This matter is an action filed by the retirement system covering a variety of issues. The matter was stayed pending activity of the City's Audit Committee, but the stay recently expired. The City Attorney filed (but did not serve) a cross-complaint raising a variety of issues and will brief the City Council on the status of the matter in closed session, and request appropriate direction. In addition, the City Council will consider a request from certain of the named cross-defendants that the City provide a defense and indemnification in the case.

**CS-3** *William J. McGuigan v. City of San Diego, et al.*  
San Diego Superior Court Case No. GIC849883.

ACA assigned: D. McGrath

This lawsuit was filed on behalf of a retired City employee against the City of San Diego requesting that the Court order the City to immediately pay all past unfunded pension liability to the retirement system. In closed session, the City Attorney will brief the City Council on the matter and request appropriate direction.

**CS-4** *People of the State of California v. Grissom, et. al*  
San Diego Superior Court No. GIC850246

CA assigned: M. Aguirre

This matter is an action by the People of the State of California against a number of employees of the City and the retirement system. In closed session the City Council will consider a request by certain of the named individuals that the City provide a defense and indemnification in the case.

**CS-5** *Walker v. City*  
U.S. District 97-CV-1547 BTM (LSP)

ACA assigned: L. Girard

The matter is litigation concerning the applicability of a variety of disability laws to the expansion of Qualcomm Stadium. As part of a settlement with the plaintiffs in the case, the City agreed to indemnify the San Diego Chargers for losses it incurred as a result of the City's failure to comply with the disability laws or as a result of the implementation of the settlement. One of the issues is the impact on the Chargers of the removal of and modifications to the seats at the Stadium in order to comply with the settlement agreement, and the Chargers claim damages as a result of those changes and modifications. The parties have attempted to negotiate a resolution of the Chargers' claim. In closed session the City Attorney will report on the status of the negotiations and request appropriate direction.

**CS-6** *San Diego City Employees Retirement System v. City of San Diego*  
San Diego Superior Court No. GIC 851286

ACA assigned: D. McGrath

This matter is litigation recently filed by SDCERS regarding the legality of certain retirement benefits. In closed session, the City Attorney will brief the City Council on the litigation and request appropriate direction.

**Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):**

**CS-7 California State University Board of Trustees**

ACA assigned: K. Heumann and DCA C. Silva

This matter involves the SDSU Campus Master Plan Environmental Impact Report [EIR]. The City of San Diego and the Redevelopment Agency of the City of San Diego City are both responsible agencies for purposes of CEQA. The Agencies reviewed the EIR and provided comments on the draft EIR which addressed deficiencies in the EIR. In closed session, the City Attorney will brief the Council on the status of the matter and seek direction from the City Council and Redevelopment Agency.

**CS-8 Number of Cases: One or more**

ACA assigned: D. McGrath

These matters involve potential action against a variety of individuals or entities for the recovery of money. In closed session, the City Attorney will brief the City Council on the prospects for recovery and request appropriate direction.