

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 1
FOR THE REGULAR MEETING OF
TUESDAY, OCTOBER 28, 2014
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

Pursuant to California Senate Bill 343 (Section 54957.5(b) of the Brown Act), late-arriving documents related to City Council meeting agenda items which are distributed to the legislative body prior to and during the Council meeting are available for public review in the Office of the City Clerk on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92101. This relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of the meeting. Please note: Approximately one hour prior to the start of the Council Meeting, the documents will be available just outside Council Chambers in the lobby of the 12th floor of the City Administration Building in a binder labeled “SB 343.” Late-arriving materials received during the City Council meeting are available for review by making a verbal request of City Clerk staff located in Council Chambers.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

NOTE: This item may be taken in the morning session if time permits.

* ITEM-S500: Authorize retention of outside counsel in litigation entitled *Brit UW Ltd. v. City of San Diego, et al.* Risk Management File No. 10097.

ITEM DESCRIPTION:

This is a lawsuit for declaratory judgment by Brit UW Ltd., resulting from an insurance coverage dispute. City is requesting outside counsel.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-200)

Authorizing the City Attorney to enter into a contract with the Law Firm of Procopio, Cory, Hargreaves & Savage, LLP, for insurance coverage representation in connection with *Brit UW Ltd. v. City of San Diego, et al.*, Case Number 14cv2195 JM (WVG);

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$100,000, from the Public Liability Fund 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Funding for this action in the amount of \$100,000, is to be paid from the Public Liability Fund 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was considered in Closed Session on October 21, 2014.

Worley/Bamberg

Primary Contact\City Attorney\Phone: Bonny Hsu\619-533-6371

NOTE: This item may be taken in the morning session if time permits.

* ITEM-S501: Authorize retention of outside counsel in litigation entitled *Flores v. City of San Diego, et al.* Risk Management File No. 9374.

ITEM DESCRIPTION:

This is a request to hire outside counsel, up to \$250,000, for Donald Moncrief, a former San Diego Police Officer, who was sued for allegedly sexually assaulting a female prisoner while on duty due to the conflict of interest with the City Attorney's Office caused by Mr. Moncrief's civil claim filed against the City for wrongful termination.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-215)

Authorizing the Chief Financial Officer, to execute, for and on behalf of the City, an Agreement with Haight, Brown & Bonesteel, LLP, for the purposes of the defense of the civil litigation against Mr. Moncrief, for an amount up to \$250,000, from the Public Liability Fund 720045, solely and exclusively, for the purpose of providing funds for the above-described legal services and litigation expenses;

Authorizing the Chief Financial Officer to appropriate up to \$250,000, from the Public Liability Fund, to meet this obligation.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Expenditures of up to \$250,000, will be paid from the Public Liability Fund No.720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The matter was approved in Closed Session on October 21, 2014.

Worley/Bamberg

Primary Contact\City Attorney\Phone: Keith Phillips\619-236-6695