

REVISED

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
TUESDAY, OCTOBER 15, 2013
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 9: 00 a.m. Special City Council meeting prior to adjourning into Closed Session from 9:00 - 10:00 a.m.**

Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(d)(1):

CS-1 *Border Business Park, Inc. v. City of San Diego*
San Diego Superior Court Case No. GIC692794

Border Business Park, Inc. v. City of San Diego
San Diego Superior Court Case No. 37-2011-00090494-CU-EU-CTL

National Enterprises, Inc. v. City of San Diego
San Diego Superior Court Case No. GIC73001

Otay Acquisitions, LLC v. City of San Diego
San Diego Superior Court Case No. GIC753247

Otay Truck Parking, LP v. City of San Diego
San Diego Superior Court Case No. 37-2009-00095661-CU-EI-CTL

DCA Assigned: D. Karlin and
Christopher Garrett, Robert Howard and Jake Ryan of the law firm of
Latham & Watkins LLP

In 1995, Plaintiff Border Business Park, Inc. initiated the first of the above-entitled lawsuits concerning alleged breaches to a 1986 development agreement. Subsequently, lawsuits were initiated by related entities. The City Attorney's Office and outside counsel will update the City Council on the status of the litigation and seek direction.

CS-2 *Doering, et al. v. City of San Diego*

San Diego Superior Court Case No. 37-2012-00103309-CU-OR-CTL

DCA Assigned: D. Karlin

In September 2012, five property owners on Mt. Terminus Drive initiated litigation against the City of San Diego for quiet title and declaratory relief seeking recognition of the right to use (i.e., easements) certain lands behind their homes abutting Tecolote Canyon Natural Open Space Park. The City Attorney's Office will update the City Council on the status of the litigation and seek direction.

CS-3 *City of San Diego v. San Diego City Employees' Retirement System*

San Diego Superior Court Case No. 37-2010-00091207-CU-WM-CTL

DCA Assigned: W. Chung

This case arises from a dispute regarding the proper assessment of pension contributions between the City of San Diego and its employees to the City's retirement plan. The City Attorney's Office will update the City Council on the status of the litigation and seek direction.