

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
TUESDAY, JANUARY 14, 2014
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-1a *Cathy Lexin, et al. v. City of San Diego*

San Diego County Superior Court Case No. 37-2011-00084354-CU-MC-CTL
Fourth District – Division One Court of Appeal Case Nos. D062970 and D063856

DCA Assigned: D. Karlin

This case involves an indemnification claim for criminal defense attorney’s fees and costs incurred by six former members of the San Diego City Employees’ Retirement System Board in defense of the District Attorney’s felony conflict of interest action. The City Attorney’s Office will update the City Council on the status of this litigation, including the separate appeal of the post-judgment award of attorney’s fees and costs (Court of Appeal Case No. D063856), and seek direction.

CS-1b *Cathy Lexin, et al. v. City of San Diego*

San Diego Superior Court Case No. 37-2011-00100142-CU-MC-CTL

DCA Assigned: D. Karlin

This case involves a similar indemnification claim for attorney’s fees and costs incurred in the federal criminal action. The City Attorney’s Office will update the City Council on the status of the litigation and seek direction.

CS-2 *Grande North at Santa Fe Place Homeowners Association v. BOSA Development California, Inc., et al.*

San Diego County Superior Court Case No. 37-2009-98057-CU-CD-CTL

DCA Assigned: C. Leone

This case involves allegations that gases from the City's sewer system have damaged cast iron piping. The City Attorney's Office will update the City Council on the status of the litigation and to seek approval to: (1) file a writ petition challenging the Court's approval of a good faith settlement between the Plaintiff and Developer Defendant, and (2) appeal the Court's grant of a motion for judgment on the pleadings as to City's express indemnity claim against the Developer Defendant.

CS-3 *City of Chula Vista v. Sandoval*

Sacramento County Superior Court Case No. 34-2014-80001723

DCA Assigned: M. Wharton

This case involves a dispute between certain San Diego County cities, including the City of San Diego, and San Diego County regarding the method used by the County to calculate each taxing entity's share of post-redevelopment tax revenues. The City Attorney's Office will update the City Council on the status of the litigation and seek direction.

CS-4 *City of San Diego v. Matosantos*

Sacramento County Superior Court Case No. 34-2013-80001411

DCA Assigned: M. Wharton

This item will be discussed with the City Council in its capacity as: (i) the legislative body of the City of San Diego, and (ii) the board of the local redevelopment successor agency, officially known as the City of San Diego, solely in its capacity as the designated successor agency to the Redevelopment Agency of the City of San Diego, a former public body, corporate and politic (Successor Agency).

This case involves a dispute between the City of San Diego and Successor Agency and the Department of Finance (DOF) arising from the DOF's refusal to provide the Successor Agency with sufficient funds from the Real Property Tax Trust Fund to pay administrative expenses during the ROPS 3 time period. The City Attorney's Office will update the City Council on the status of the litigation and seek direction.

CS-5 *City of San Diego v. Matosantos*

Sacramento County Superior Court Case No. 34-2013-80001544

DCA Assigned: M. Wharton

This item will be discussed with the City Council in its capacity as the board of the local redevelopment successor agency, officially known as the City of San Diego, solely in its capacity as the designated successor agency to the Redevelopment Agency of the City of San Diego, a former public body, corporate and politic (Successor Agency).

This case involves a dispute between the Successor Agency and the Department of Finance (DOF) arising from the DOF's refusal to allow the Successor Agency to expend pre-2011 non-housing bond proceeds during the ROPS 13-14A time period. The City Attorney's Office will update the City Council on the status of the litigation and seek direction.