

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, SEPTEMBER 22, 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 2:00 p.m. Council meeting.**

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

CS-1 *Brian Bennett v. City of San Diego*

San Diego Superior Court Case No. 37-2013-00074291-CU-PO-CTL

DCA Assigned: J. Taylor

This case involves an injury accident related to an alleged dangerous condition of public property. The City Attorney’s Office will present a California Code of Civil Procedure section 998 offer of compromise from Plaintiff to the Mayor and City Council and seek direction.

CS-2 *San Diegans for Open Government v. City of San Diego*

San Diego Superior Court Case No. 37-2013-00056051-CU-MC-CTL

ACA Assigned: D. Worley

Plaintiff, in the California Public Records Act case, seeks redacted transcripts of Closed Session hearings. If the Court orders that the City of San Diego produce them as public records, the City Attorney’s Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-3 *San Diegans for Open Government v. Jan Goldsmith, et al.*

San Diego Superior Court Case No. 37-2014-0000217-CU-MC-CTL

DCA Assigned: C. Richardson, Deputy City Attorney
Jacqueline Vinaccia, Lounsbery Ferguson Altona & Peak LLP

This case arises from San Diegans for Open Government's allegations that the City Attorney is conducting official City of San Diego business from his personal e-mail account in violation of the law, and is wasting taxpayer money by, among other things, communicating with the media and exercising his duties and obligations under San Diego Charter section 40. Representatives from the City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-4 *San Diegans for Open Government v. City of San Diego*

San Diego Superior Court Case No. 37-2013-00048878-CU-MC-CTL

DCA Assigned: D. Karlin

This case arises from San Diegans for Open Government's demand to inspect and then obtain copies of email, text message, and voice mail communication between Council President Todd Gloria and his staff with any other person (regardless of the number of authors or recipients in the communication, but excluding communications strictly between Gloria and his staff), concerning items that appeared on any City Council agenda between January 1, 2013, and April 24, 2013. Representatives from the City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

Conference with Legal Counsel - significant exposure to litigation, pursuant to California Government Code Section 54956.9(d)(2):

CS-5 *Tracy and Mike Kull v. City of San Diego*

Pre-Litigation Claim File No. 9384

DCA Assigned: S. Plotkin-Wolff

This matter arises from a claim alleging property damage arising from storm water in the City of San Diego's storm water channel backed up due to a plugged pipe and flooded the home located at 7921 Beaver Lake Drive. Damages include real and personal property. The City Attorney's Office will brief the Mayor and City Council on the status of the claim and seek direction.

**Conference with Labor Negotiators pursuant to California Government Code
Section 54957.6:**

CS-6 City Designated Management Team Representatives:

Timothy Davis, Burke, Williams, & Sorensen LLP, Labor Negotiation Consultant
Scott Chadwick, Chief Operating Officer
Mary Lewis, Chief Financial Officer
Stacey LoMedico, Assistant Chief Operating Officer
David Graham, Deputy Chief Operating Officer
Tony Heinrichs, Deputy Chief Operating Officer
Ron Villa, Deputy Chief Operating Officer
Jaymie Bradford, Deputy Chief of Staff, Office of the Mayor
Mike Hansen, Director of Land Use and Environmental Policy, Office of the Mayor
Almis Udrys, Director of Government Affairs, Office of the Mayor
Barbara Lamb, Program Manager
Judy von Kalinowski, Human Resources Director
Joy Freeman, Human Resources Deputy Director
Karen DeCrescenzo, Senior Human Resources Officer
Abby Jarl, Labor Relations Manager
Gina Conrad, Human Resources Officer
Darrin Schwabe, Human Resources Officer
Anthony Austin, Human Resources Officer
Victoria Davidson, Human Resources Officer
Greg Bych, Risk Management Director
Estella Montoya, Risk Management Deputy Director
Nancy Stadille, Employee Benefits Manager, Risk Management
Elena Perez, Deputy Director, Office of the City Comptroller
Javier Mainar, Fire Chief, Fire-Rescue Department
Kenneth Barnes, Assistant Fire Chief, Fire-Rescue Department
Brian Fennessy, Assistant Fire Chief, Fire-Rescue Department
Rick Wurts, Lifeguard Chief, Fire-Rescue Department
Shelley Zimmerman, Police Chief, Police Department
Sarah Creighton, Assistant Police Chief
Tanya Tomlinson, Deputy Director, City Attorney's Office, solely for negotiations with the Deputy City Attorneys Association

**Designated as representatives within the meaning of California Government Code
Section 54957.6(a):**

Andrea Tevlin, Independent Budget Analyst
Jeff Kawar, Deputy Director, Office of the Independent Budget Analyst
Lisa Byrne, Fiscal and Policy Analyst, Office of the Independent Budget Analyst
Chris Olsen, Fiscal and Policy Analyst, Office of the Independent Budget Analyst

**Designated as representatives within the meaning of California Government Code
Section 54957.6(a):**

Paul Cooper, Executive Assistant City Attorney, City Attorney's Office
Mary Nuesca, Assistant City Attorney, City Attorney's Office
John Hemmerling, Chief Deputy City Attorney, City Attorney's Office
Joan Dawson, Deputy City Attorney, City Attorney's Office
Roxanne Story Parks, Deputy City Attorney, City Attorney's Office
William Gersten, Deputy City Attorney, City Attorney's Office
Greg Halsey, Deputy City Attorney, City Attorney's Office

Employee Organizations:

American Federation of State, County and Municipal Employees,
Local 127 (AFSCME Local 127)
Deputy City Attorneys Association (DCAA)
San Diego City Firefighters, International Association of Fire Fighters, Local 145
San Diego Municipal Employees' Association (MEA)
San Diego Police Officers Association (SDPOA)
Teamsters, Local 911 (Teamsters)

DCA Assigned: None assigned.

The purpose of this Closed Session matter is to review the City of San Diego's position and instruct the City's labor negotiators regarding negotiations with the City's six recognized employee organizations related to modifications to the City's long term disability plan.