

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, DECEMBER 15, 2014
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 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.

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 *Regional Water Quality Control Board Cleanup and Abatement Order*
Order No. R9-2012-0024

City of San Diego v. National Steel and Shipbuilding Co., et al.
United States District Court Case No. 09-CV-0275 AJB (BGS)
Risk Management Department Claim No. EX09-0533-1301

DCA Assigned: F. Ortlieb

This case arises from San Diego Regional Water Quality Control Board Cleanup and Abatement Order No. R9-2012-0024, ordering the clean-up of contaminated sediments in San Diego Bay. The City Attorney's Office will update the Mayor and City Council on the status of the order, the litigation, the site clean-up project, and insurance claims and will seek direction.

CS-2 *Border Business Park, Inc. v. City of San Diego*
San Diego Superior Court Case No. GIC692794

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

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

DCA Assigned: D. Karlin
Christopher Garrett, Robert Howard and Jake Ryan, Latham & Watkins
Cecilia O'Connell Miller, Procopio, Cory, Hargreaves & Savitch 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, similar lawsuits were filed by related entities. The City Attorney's Office and outside counsel will update the Mayor and City Council on the status of the litigation and seek direction.

CS-3 *Alison N. Terry, v. City of San Diego*
USDC Case No. 06-cv-1459 MMA (KSC)

DCA Assigned: K. Zlotnik

This matter is an employment gender discrimination lawsuit against the City of San Diego. The City Attorney's Office will brief the Mayor and City Council on the status of the litigation and seek direction.

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

CS-4 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, Performance & Analytics Department Director
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: Not 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.

CS-5 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 Udry, Performance & Analytics Department Director
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
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Lisa Byrne, Fiscal and Policy Analyst, Office of the Independent Budget Analyst
Chris Olsen, Fiscal and Policy Analyst, Office of the Independent Budget Analyst

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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:

San Diego Police Officers Association (SDPOA)

DCA Assigned: Not 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 San Diego Police Officers Association.