

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, NOVEMBER 16, 2015
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 *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: David J. Karlin, Chief Deputy City Attorney
Christopher Garrett, Robert Howard & Jake Ryan, Latham & Watkins,
LLP
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-2 *Thomas Perez v. City of San Diego*

San Diego Superior Court Case No. 37-2014-00016621-CU-OE-CTL

DCA Assigned: K. Zlotnik

This case involves claims for unpaid City of San Diego employee wages. 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-3a *St. Thomas Enterprises, Inc. v. City of San Diego*

Risk Management Department Claim File No. 10865

DCA Assigned: C. Rae

The City Attorney's Office will discuss with the Mayor and City Council initiation of litigation, a threat of litigation, or potential settlement as a result of a construction contract dispute.

Conference with Legal Counsel – anticipated litigation – initiation of litigation, pursuant to California Government Code Section 54956.9 (d)(4):

CS-3b *St. Thomas Enterprises, Inc. v. City of San Diego*

Risk Management Department Claim File No. 10865

DCA Assigned: C. Rae

This matter arises from a claim by St. Thomas Enterprises, Inc. alleging unpaid extra work related to the La Jolla Shores Lifeguard Station. The City Attorney's Office will update the Mayor and City Council on the status of the claim and seek direction.