

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION AGENDA
FOR
TUESDAY, JUNE 25, 2019, AT 11:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 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 by Resolution No. R-310153 on December 8, 2015, 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 10:00 a.m. Council meeting.**

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

CS-1 *Jose Antunes v. City of San Diego*

San Diego Superior Court Case No. 37-2017-00020380-CU-PO-CTL
Risk Management Department Claim File No. 13870

DCA Assigned: S. Tejura

This case arises from a bicycle accident that occurred as a result of an alleged dangerous condition on El Camino Real at Arroyo Sorrento Road. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

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

San Diego Superior Court Case No. 37-2018-00040518-CU-MC-CTL
Risk Management Department Claim File No. 20220

CDCA Assigned: M. T. Phelps

This case involves a conflict of interest challenge to the City of San Diego's approval of the Disposition and Development Agreement and the Purchase and Sale Agreement related to the Hilltop & Euclid affordable family housing project. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-3 *Jose Gameros v. City of San Diego, et al.*

San Diego Superior Court Case No. 37-2019-00013383-CU-TT-CTL
Risk Management Department Claim File No. 21948

DCA Assigned: J. Will

This case was filed under the California Environmental Quality Act and challenges San Diego Ordinance O-21030 (Jan. 24, 2019), commonly known as “Ban on Polystyrene Foam Products and Restrictions on Single Use Plastics in the City of San Diego.” The City Attorney’s Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-4 *Bostock v. Clayton County*

No. 17-1618 (N.D. Georgia filed Jun. 1, 2018) (consolidated with Case No. 17-1623 (E.D. New York filed Jun. 1, 2019))

E.E.O.C. v. R.G. & G.R. Harris Funeral Homes, Inc.

No. 18-107 (E.D. Michigan filed Jul. 24, 2018)

DCA Assigned: K. King

Later this year, the United States Supreme Court will hear three cases (consolidated as one matter under *Bostock*) regarding sex discrimination in the workplace under Title VII. The Court will decide whether discrimination based on one’s sexual orientation or gender identity constitutes “sex” discrimination and, thus, violates Title VII. Approximately half of U.S. states, including California, prohibit this form of discrimination. The City of San Diego, among several local jurisdictions in California, has been asked by the City of San Francisco and County of Santa Clara to join an amicus brief arguing discrimination based on sexual orientation and gender identity constitutes sex discrimination. The City Attorney brings this request to the City Council to provide information on the litigation and seek direction.