

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION AGENDA
FOR
TUESDAY, NOVEMBER 05, 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 *California Capital Insurance Company v. City of San Diego*

San Diego Superior Court Case No. 37-2018-00045690-CU-NP-CTL
Risk Management Department Claim File No. 14713

DCA Assigned: T. Ramirez

This case arises from a break in the City of San Diego’s water main pipe, which allegedly caused the flooding of several rental properties within Plaintiff’s apartment complex. The City Attorney’s Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-2 *Davy Samrith Kiesow v. City of San Diego, et al.*

San Diego Superior Court Case No. 37-2017-00021422-CU-PA-CTL
Risk Management Department Claim File No. 13872

DCA Assigned: C. Sweda

This case arises from a three-vehicle collision that occurred on September 7, 2016, in the Rancho Bernardo area. The City Attorney’s Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-3 *Sturtevant Farms and State Compensation Insurance Fund v. Workers' Compensation Appeals Board, et al.*

California Supreme Court Case No. S258513

CDCA Assigned: D. Adams

For workers' compensation benefits, California law limits an injured worker's recovery to 100% permanent disability for each of seven different body regions. The State Compensation Insurance Fund is appealing a decision from the Workers' Compensation Appeals Board regarding the proper interpretation of this provision. The State Compensation Insurance Fund has asked the City of San Diego to write an amicus curiae letter requesting the California Supreme Court to grant review in this case. The City Attorney brings this request to the City Council for direction.

CS-4 *Otay Water District v City of San Diego*

Riverside Superior Court Case No. RIC1804278

Risk Management Department Claim File No. 12593

DCA Assigned: M. Wharton

This case arises from Otay Water District's challenge to the unitary water rate structure for recycled water. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.