

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, MAY 19 AND 20, 2014
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 ‘C’ STREET
SAN DIEGO, CA 92101**

REPORTING THE RESULTS OF THE CLOSED SESSION MEETING

Only items that can be disclosed are reported out in the Open Session of the regular City Council meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Nuesca reports the results of the Closed Session meeting of May 19 and 20, 2014, as follows:

CLOSED SESSION MEETING FOR MONDAY, MAY 19, 2014

(Closed Session Items were heard on Tuesday, May 20, 2014.)

CLOSED SESSION MEETING FOR TUESDAY, MAY 20, 2014, AT 1:00 P.M.

ROLL CALL:

Present: Mayor Faulconer, Council President Gloria, Council President Pro Tem Lightner, and Councilmembers Harris, Cole, Kersey, Zapf, Sherman, Alvarez, and Emerald.

Absent: All present.

CLOSED SESSION ITEMS:

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

CS-1 *Ahmad Mesdaq v. City of San Diego*

San Diego Superior Court Case No. 37-2012-00097100-CU-BT-CTL

DCA Assigned: G. Spitzer

Motion: Acceptance of a signed settlement offer

Moved: Councilmember Emerald, District 9

Seconded: Council President Pro Tem Lightner, District 1

Vote: Passed unanimously 9 to 0.

Report: This item was reported out by Assistant City Attorney Mary Nuesca on Tuesday, May 20, 2014, at 4:22 p.m.

The City Council voted on Closed Session Item Number One, *Ahmad Mesdaq v. City of San Diego*, San Diego Superior Court Case No. 37-2012-00097100-CU-BT-CTL, for acceptance of a signed settlement offer. This action arises from the condemnation of Plaintiff’s property in 2004 by the former Redevelopment Agency of the City of San Diego. The key terms are: (1) Plaintiff dismisses the case with prejudice; (2) Plaintiff releases all claims related to the property; and (3) all sides bear their own costs and attorney fees.

CS-2 *City of San Diego v. Matosantos*

Sacramento Superior Court Case No. 34-2013-80001555

DCA Assigned: M. Wharton

Motion: Seek appellate review

Moved: Councilmember Emerald, District 9

Seconded: Council President Pro Tem Lightner, District 1

Vote: Passed unanimously 9 to 0.

Report: This item was reported out by Assistant City Attorney Mary Nuesca on
Tuesday, May 20, 2014, at 4:22 p.m.

The City Council also voted on Closed Session Item Number Two, *City of San Diego v. Matosantos*, Sacramento Superior Court Case No. 34-2013-80001555, to seek appellate review. The pending litigation involves a dispute between the City and Successor Agency and the Department of Finance (DOF) arising from the DOF's refusal to authorize the Successor Agency to expend funds from the Real Property Tax Trust Fund to pay amounts due and owing to the City for project management services provided by the City on the Harbor Drive Pedestrian Bridge construction project.

CS-3 Regional Water Quality Control Board

Cleanup and Abatement 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; David J. Karlin
Brian M. Ledger, Gordon & Rees
Dorn Bishop

Report: Nothing to report.

CS-4 *Jane Doe v. City of San Diego, et al.*

United States District Court Case No. 3:12-cv-00689-MMA-DHB

DCA Assigned: C. Milligan

Report: Nothing to report.

REPORTED BY: /s/ Paul E. Cooper
Paul E. Cooper
Executive Assistant City Attorney