

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE *REVISED* CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, JUNE 30 AND JULY 1, 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. Executive Assistant City Attorney Paul E. Cooper reports the results of the Closed Session meeting of June 30 and July 1, 2014, as follows:

CLOSED SESSION MEETING FOR MONDAY, JUNE 30, 2014

(Closed Session Items were heard on Tuesday, July 1, 2014.)

CLOSED SESSION MEETING FOR TUESDAY, JULY 1, 2014, AT 9:00 A.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 *DeAnza Cove HOA v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC821191
Risk Management Claim File No. LP04-0130-0524

DCA Assigned: J. Riley and
William Rathbone and Timothy Branson, Gordon & Rees

Report: Nothing to report.

CS-2 *Davis v. City of San Diego, et al.*

United States District Court Case No. 14CV1488 DMS DHB
Risk Management Claim File No. 9240

DCA Assigned: K. Phillips

Motion: Defend Hayes with reservation of rights to protect the City's interest if
Defendant defaults

Moved: Council President Pro Tem Lightner, District 1

Seconded: Councilmember Harris, District 2

Vote: Passed unanimously 9 to 0

Report: This item was reported out by Assistant City Attorney Mary Nuesca on
Tuesday, July 15, 2014, at 4:26 p.m.

On July 1, 2014, in Closed Session, in accordance with the Supreme Court decision of *Mary M. v. City of Los Angeles*, 54 Cal. 3d 202 (1991), in order to avoid a default that might bind the City of San Diego, the City Council voted on Closed Session Item Number 2, *Michelle Davis v. City of San Diego, et al.*, United States District Court Case No. 14CV1488 DMS DHB, Risk Management Claim File No. 9240, to authorize the provision of a defense under California Government Code section 995 through outside counsel; provided, however, that the City will do so under a reservation of rights. This case arises from the lawsuit filed by Ms. Davis, Nicole Johnson, and Claudia Ariza against the City and former police officer Christopher Hays.

Conference with Labor Negotiators pursuant to California Government Code section 54957.6:

CS-3 City Designated Management Team Representatives

DCA Assigned: Not assigned

Report: Nothing to report.

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