

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, APRIL 6 AND 7, 2015
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 April 6 and 7, 2015, as follows:

CLOSED SESSION MEETING FOR MONDAY, APRIL 6, 2015

(Closed Session Items were heard on Tuesday, April 7, 2015.)

CLOSED SESSION MEETING FOR TUESDAY, APRIL 7, 2015, AT 9:00 A.M.

ROLL CALL:

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

Absent: None; all present.

CLOSED SESSION ITEMS:

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

CS-1 *San Diego Transportation Association, et al. v. San Diego Metropolitan Transit System, et al.*

San Diego Superior Court Case No. 37-2015-00008725-CU-TT-CTL

DCA Assigned: M. Wharton

Report: Nothing to report.

CS-2 *TC Construction Co. v. City of San Diego*

San Diego Superior Court Case No. 37-2014-00004845-CU-BC-CTL
Risk Management Claim File No. 8863

DCA Assigned: J. Taylor

Report: Nothing to report.

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

CS-3 Number of Cases: One

DCA Assigned: J. Taylor

Motion: To initiate litigation

Moved: Councilmember Zapf, District 2

Seconded: Councilmember Emerald, District 9

Vote: Passed 7 to 2, with Councilmembers Cate and Alvarez voting “no.”

Report: This item was reported out by Chief Deputy City Attorney John Hemmerling on Tuesday, April 7, 2015, at 3:37 p.m.

Today, in Closed Session, the City Council took the following action: The City Council voted on Closed Session Item Number Three to initiate litigation. Once litigation is formally commenced, the action, the defendants, and other particulars will be disclosed to any person upon inquiry unless to do so would jeopardize effective service of process or settlement negotiations.

CS-4 Number of Cases: One

DCA Assigned: W. Chung

Motion: To initiate litigation

Moved: Councilmember Sherman, District 7

Seconded: Councilmember Alvarez, District 8

Vote: Passed unanimously 9 to 0.

Report: This item was reported out by Chief Deputy City Attorney John Hemmerling on Tuesday, April 7, 2015, at 3:37 p.m.

And, the second item, the City Council also voted on Closed Session Item Number Four, *In the Matter of Helix Environmental, Inc.* The City Council approved this morning in closed session a settlement agreement with Helix Environmental Planning, a longtime consultant to the City of San Diego. At issue was the fact that a former employee of Helix was a longtime officer of Briggs Law Corporation, a law firm that has sued the City multiple times over environmental reports, and that the former employee worked on environmental reports for projects which were the subject of such lawsuits and had access to City files. One of the lawsuits resulted in the City being required to pay attorney fees and costs. Under the settlement, Helix will pay to the City \$143,382 dollars, the amount the City was required to pay for attorney fees and costs in the litigation.

REPORTED BY: /s/ Mary T. Nuesca
Mary T. Nuesca
Assistant City Attorney