

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, MAY 11 AND 12, 2015  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> 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 May 11 and 12, 2015, as follows:

**CLOSED SESSION MEETING FOR MONDAY, MAY 11, 2015**

(Closed Session Items were heard on Tuesday, May 12, 2015.)

**CLOSED SESSION MEETING FOR TUESDAY, MAY 12, 2015, AT 1:00 P.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 – anticipated litigation – initiation of litigation, pursuant to California Government Code section 54956.9(d)(4):**

**CS-1 Number of Cases: One**

DCA Assigned: M. Mercer

Report: Nothing to report.

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

**CS-2 *City of San Diego v. Michael Cohen***

Third District Court of Appeal Case No. C075865

Sacramento Superior Court Case No. 34-2013-80001409-CU-WM-GDS

DCA Assigned: M. Wharton

Motion: To abandon the appeal

Moved: Council President Lightner, District 1  
Seconded: Councilmember Sherman, District 7  
Vote: Passed unanimously 9 to 0.  
Report: This item was reported out by Assistant City Attorney Mary Nuesca on  
Tuesday, May 12, 2015, at 4:05 p.m.

The City Council voted on Closed Session Item Number Two, *City of San Diego v. Michael Cohen*, Third District Court of Appeal Case Number C075865, Sacramento Superior Court Case Number 34-2013-80001409-CU-WM-GDS, to abandon the appeal. This case arises from the decision in connection with ROPS 3 by the California Department of Finance to refuse to allow the Successor Agency to fund the construction of the NTC Shoreline Improvements with former tax increment funds.

**CS-3** *City of San Diego v. Michael Cohen*  
Sacramento Superior Court Case No. 34-2014-80001824-CU-WM-GDS

DCA Assigned: M. Wharton

Report: Nothing to report.

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