

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR TUESDAY, OCTOBER 4, 2016
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 October 4, 2016, as follows:

CLOSED SESSION MEETING FOR TUESDAY, OCTOBER 4, 2016, AT 9:00 A.M.

ROLL CALL:

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

Absent: Councilmember Cate, Council District 6, absent for the meeting.

CLOSED SESSION ITEMS:

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

CS-1 *City of San Diego v. Palomar Community College District*

San Diego Superior Court Case No. 37-2016-00024225-CU-MC-CTL

DCA Assigned: G. Spitzer

Report: Nothing to report.

CS-2 *Marilyn McGaughy v. Robert Filner, et al.*

San Diego Superior Court Case No. 37-2014-00010580-CU-PO-CTL

Risk Management Department Claim File No. 8492

DCA Assigned: G. Schaefer

Report: Nothing to report.

CS-3 *David Kennedy v. City of San Diego*

San Diego Superior Court Case No. 37-2016-00029460-CU-WM-CTL

DCA Assigned: R. Stephan

Report: Nothing to report.

CS-4 *Randy Edelbrock v. City of San Diego*

San Diego Superior Court Case No. 37-2015-00033372-CU-NP-CTL

DCA Assigned: R. Stephan

Report: Nothing to report.

CS-5 *Wells Fargo & Co. v. City of Miami*

801 F.3d 1258 (11th Cir. 2015), *cert. granted*, 136 S. Ct. 2545 (2016) (No. 15-1112), consolidated with

Bank of America Corp. v. City of Miami

800 F.3d 1262 (11th Cir. 2015), *cert. granted*, 136 S. Ct. 2544 (2016) (No. 15-1111)

DCA Assigned: M. Nuesca

Motion: To sign an amicus curiae brief

Moved: Council President Pro Tem Emerald, District 9

Seconded: Council President Lightner, District 1

Vote: Passed 8 to 0 with Councilmember Cate absent.

Report: This item was reported out by Assistant City Attorney Mary Nuesca on Tuesday, October 4, 2016, at 3:10 p.m.

Report: The City Council voted on Closed Session Item Number Five, *Wells Fargo & Company versus City of Miami*, 801 Federal Reporter Third Edition 1258 (11th Circuit 2015), *cert. granted*, 136 Supreme Court Reporter 2545 (2016) (Number 15-1112), consolidated with *Bank of America Corporation versus City of Miami*, 800 Federal Reporter Third Edition 1262 (11th Circuit 2015), *cert. granted*, 136 Supreme Court Reporter 2544 (2016) (Number 15-1111), to sign an amicus curiae brief. These cases seek to preserve cities' right to sue discriminatory mortgage lenders for violating the federal Fair Housing Act.

REPORTED BY: /s/ Paul E. Cooper

Paul E. Cooper

Executive Assistant City Attorney