

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR TUESDAY, MAY 23, 2017
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 23, 2017, as follows:

CLOSED SESSION MEETING FOR TUESDAY, MAY 23, 2017, AT 11:00 A.M.

ROLL CALL:

Present: Mayor Faulconer, Council President Cole, Council President Pro Tem Kersey, and Councilmembers Bry, Zapf, Ward, Cate, Sherman, Alvarez, and Gomez.

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. Phelps

Report: Nothing to report

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

CS-2 *Thomas Perez v. City of San Diego*

San Diego Superior Court Case No. 37-2016-00011434-CU-PA-CTL
Risk Management Department Claim File No. 9842

DCA Assigned: K. Zlotnik

Report: Nothing to report.

CS-3 *Deborah Louise Wolf, et al. v. City of San Diego*

San Diego Superior Court Case No. 37-2016-00011434-CU-PA-CTL
Risk Management Department Claim File No. 11434

DCA Assigned: E. Kilcoyne

Report: Nothing to report.

CS-4 *Estate of Jaime Powell v. City of San Diego, et al.*

San Diego Superior Court Case No. 37-2015-00017317-CU-PO-CTL
Risk Management Department Claim No. 10089

DCA Assigned: J. Boardman

Report: Nothing to report.

CS-5 *Eduardo Rodriguez v. City of San Diego*

United States District Court Case No. 16cv3050 W (JMA)

DCA Assigned: K. Phillips

Report: Nothing to report.

Conference with Legal Counsel – significant exposure to litigation, pursuant to California Government Code section 54956.9(d)(2):

CS-6 *Precautionary File – Bruce and Karen Goodrich*

Risk Management Department Claim File No. 12282L

DCA Assigned: C. Richardson

Motion: To accept a signed settlement agreement

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 Prescilla Dugard on Tuesday, May 23, 2017, at 4:22 p.m.

The City Council voted on Closed Session Item Number Six, Precautionary File – *Bruce and Karen Goodrich*, Risk Management Department Claim File Number 12282L, to accept a signed settlement offer. This matter arises from the alleged failure of a City of San Diego-owned storm drain which damaged a homeowner's property. The total settlement authorized is \$233,000.

CS-7 Precautionary File – *Guy and Jacalyn Lawyer*
Risk Management Department Claim File No. 12282

DCA Assigned: C. Richardson

Motion: To accept a signed settlement agreement

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 Prescilla Dugard on Tuesday, May 23, 2017, at 4:22 p.m.

The City Council also voted on Closed Session Item Number Seven, Precautionary File – *Guy and Jacalyn Lawyer*, Risk Management Department Claim File Number 12282, to accept a signed settlement offer. This matter arises from the alleged failure of a City of San Diego-owned storm drain which damaged a homeowner's property. The total settlement authorized is \$400,000.

CS-8 Precautionary File – *Karl and Pamela Mertins*
Risk Management Department Claim File No. 12282

DCA Assigned: C. Richardson

Motion: To accept a signed settlement agreement

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 Prescilla Dugard on Tuesday, May 23, 2017, at 4:22 p.m.

Finally, the City Council voted on Closed Session Item Number Eight, Precautionary File – *Karl and Pamela Mertins*, Risk Management Department Claim File Number 12282, to accept a signed settlement offer. This matter arises from the alleged failure of a City of San Diego-owned storm drain which damaged a homeowner's property. The total settlement authorized is \$330,000.

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