

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR TUESDAY, FEBRUARY 13, 2018
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. Mary Nuesca, Assistant City Attorney for Special Projects, reports the results of the Closed Session meeting of February 13, 2018, as follows:

CLOSED SESSION MEETING FOR TUESDAY, FEBRUARY 13, 2018, AT 11:00 A.M.

ROLL CALL:

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

Absent: Councilmember Sherman, Council District 7, 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 *Kimberly Ludlam v. City of San Diego*

San Diego Superior Court Case No. 37-2017-00015974-CU-OE-CTL
Risk Management Department Claim File No. 16425

DCA Assigned: L. DePoister

Report: Nothing to report.

CS-2 *Property & Casualty Insurance Company of Hartford v. City of San Diego*

San Diego Superior Court Case No. 37-2017-00001394-CU-NP-CTL
Risk Management Department Claim File No. 12343

DCA Assigned: D. Nichols

Motion: To accept a signed settlement offer

Moved: Councilmember Cate, District 6

Seconded: Councilmember Alvarez, District 8

Vote: Passed 8 to 0 with Councilmember Sherman absent.

Report: This item was reported out by Senior Chief Deputy City Attorney Leslie FitzGerald on Tuesday, February 13, 2018, at 2:25 p.m.

The City Council voted on Closed Session Item Number Two, *Property and Casualty Insurance Company of Hartford vs. City of San Diego*, San Diego Superior Court Case No. 37-2017-00001394-CU-NP-CTL, Risk Management Department Claim File No. 12343, to accept a signed settlement offer. This case arises from an alleged sewer main clog and back-up, which occurred on January 1, 2016.

CS-3 *City of Grass Valley, et al. v. Michael Cohen, et al.*
No. S246191 (Cal. Supreme Ct. Dec. 28, 2017)

CDCA Assigned: K. Reisch

Motion: To initiate or intervene in litigation
Moved: Councilmember Ward, District 3
Seconded: Councilmember Zapf, District 2
Vote: Passed 8 to 0 with Councilmember Sherman absent.
Report: This item was reported out by Senior Chief Deputy City Attorney Leslie FitzGerald on Tuesday, February 13, 2018, at 2:25 p.m.

The City Council also voted on Closed Session Item Number Three, *City of Grass Valley, et al. versus Michael Cohen, et al.*, Case Number S246191 (California Supreme Court, December 28, 2017), to initiate or intervene in litigation. The City of Grass Valley is asking the City of San Diego to submit an amicus curiae (“friend of the court”) letter in support of Grass Valley’s Petition for Review to the California Supreme Court, and if granted, a brief in support of Grass Valley. Grass Valley challenges an appellate court decision regarding the authority of the California Department of Finance (DOF) to claw back certain pre-dissolution payments totaling approximately \$1 million, which DOF maintains was appropriate under the laws that eliminated redevelopment agencies throughout California in 2012.

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