

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR TUESDAY, SEPTEMBER 18, 2018  
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. Mary Nuesca, Assistant City Attorney for Special Projects, reports the results of the Closed Session meeting of September 18, 2018, as follows:

**CLOSED SESSION MEETING FOR TUESDAY, SEPTEMBER 18, 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, Sherman, Alvarez, and Gomez.

Absent: Councilmember Ward, Council District 3, absent for CS-2 and CS-4.  
Councilmember Cate, Council District 6, absent for CS-1.  
Councilmember Sherman, Council District 7, absent for CS-2.  
Councilmember Alvarez, Council District 8, absent for CS-1.

**CLOSED SESSION ITEMS:**

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

**CS-1 *Donald F. Hildre v. Grant Hubbard, et al.***

San Diego Superior Court Case No. 37-2017-00004795-CU-PO-CTL  
Risk Management Department Claim File No. 14553

DCA Assigned: C. Mouglin

Report: Nothing to report.

**CS-2 *Marks v. City of San Diego***

San Diego Superior Court Case No. 37-2018-00014112-CU-MC-CTL  
Risk Management Department Claim File No. 18598

DCA Assigned: M. Ankcorn

Motion: To accept a signed settlement offer  
Moved: Councilmember Cate, District 6  
Seconded: Councilmember Alvarez, District 8  
Vote: Passed 7 to 0 with Councilmembers Ward and Sherman absent.  
Report: This item was reported out by Senior Chief Deputy City Attorney Leslie FitzGerald on Tuesday, September 18, 2018, at 4:09 p.m.

The City Council voted on Closed Session Item No. Two, *Marks vs. City of San Diego*, San Diego Superior Court Case Number 37-2018-00014112-CU-MC-CTL, Risk Management Department Claim File No. 18598, to accept a signed settlement offer. This lawsuit challenges the allocation of the costs of the Advance Metering Infrastructure System between the Water Fund and the Sewer Fund. The parties went to mediation on June 25, 2018, and agreed to settle the matter, subject to approval by the City Council. The City is reallocating costs between the Water and Sewer Funds.

**CS-3 *Tanya A., et al. v. City of San Diego***

United States District Court Case No. 14cv01942-L (AGS)  
Risk Management Department Claim File No. 9267

***Jane Doe v. City of San Diego***

United States District Court Case No. 14cv01941-L (AGS)  
Risk Management Department Claim File No. 9209

DCA Assigned: L. Dam

Report: Nothing to report.

**Conference with Labor Negotiators pursuant to California Government Code section 54957.6:**

**CS-4 City Designated Management Team Representatives**

DCA Assigned: Not assigned

Report: Nothing to report.

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