

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR TUESDAY, JANUARY 29, 2019
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 January 29, 2019, as follows:

CLOSED SESSION MEETING FOR TUESDAY, JANUARY 29, 2019, AT 11:00 A.M.

ROLL CALL:

Present: Mayor Faulconer, Council President Gomez, Council President Pro Tem Bry, and Councilmembers Campbell, Ward, Montgomery, Kersey, Sherman, and Moreno.

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

CLOSED SESSION ITEMS:

Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation, pursuant to California Government Code section 54956.9(d)(4):

CS-1 *People of the State of California v. The International Boundary & Water Commission*
United States District Court Case No. 18-cv-2050 JM (S.D. Cal.)

CDCA Assigned: M. Ankcorn

Motion: To intervene in litigation

Moved: Councilmember Moreno, District 8

Seconded: Councilmember Kersey, District 5

Vote: Passed 8 to 0 with Councilmember Cate absent.

Report: This item was reported out by Assistant City Attorney Sanna Singer on Tuesday, January 29, 2019, at 3:30 p.m.

The City Council voted on Closed Session Item Number One, *People of the State of California vs. The International Boundary and Water Commission*, United States District Court Case No. 18-cv-2050 JM (S.D. Cal.) to intervene in the litigation. This lawsuit was brought by the Regional Board of the California Water Quality Board to enforce the Federal Water Pollution Control Act related to discharges from canyon collectors in the Tijuana River Valley.

CS-2 *City of Imperial Beach, et al. v. The International Boundary & Water Commission – United States Section, et al.*

United States District Court Case No. 18-cv-457 JM (S.D. Cal.)

CDCA Assigned: M. Ankcorn

Report: Nothing to report.

CS-3 *Surfrider Foundation v. The International Boundary & Water Commission*

United States District Court Case No. 18-cv-1621 JM (S.D. Cal.)

CDCA Assigned: M. Ankcorn

Report: Nothing to report.

CS-4 *Initiation of Litigation Against The International Boundary & Water Commission and Veolia Water North America*

CDCA Assigned: M. Ankcorn

Report: Nothing to report.

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

CS-5 *Citizens for South Bay Coastal Access v. City of San Diego*

San Diego Superior Court Case No. 37-2018-00048213-CU-WM-CTL
Risk Management Department Claim File No. 18293

DCA Assigned: J. Goodman

Motion: To seek appellate review

Moved: Councilmember Ward, District 3

Seconded: Council President Pro Tem Bry, District 1

Vote: Passed 6 to 2, with Councilmembers Montgomery and Moreno voting “no,” and Councilmember Cate absent.

Report: This item was reported out by Assistant City Attorney Sanna Singer on Tuesday, January 29, 2019, at 3:30 p.m.

The City Council also voted on Closed Session Item Number Five, *Citizens for South Bay Coastal Access vs. City of San Diego*, San Diego Superior Court Case No. 37-2018-00048213-CU-WM-CTL, Risk Management Department Claim File No. 18293, to seek appellate review. This case involved a challenge to the City’s approval of the rehab and re-use of a Super 8 Motel in South Bay for use as transitional housing for the City’s SMART program.

