

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR TUESDAY, JUNE 11, 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 June 11, 2019, as follows:

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

ROLL CALL:

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

Absent: Councilmember Ward, Council District 3, absent for Item CS-3.
Councilmember Cate, Council District 6, absent for Item CS-3.
Councilmember Sherman, Council District 7, 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-1a *City of San Diego v. Cass Construction, Inc., et al.*

San Diego Superior Court Case No. 37-2019-00021868-CU-BC-CTL

DCA Assigned: J. Taylor

Motion: To initiate litigation

Moved: Councilmember Cate, District 6

Seconded: Councilmember Campbell, District 2

Vote: Passed 8 to 0 with Councilmember Sherman absent.

Report: This item was reported out by Senior Chief Deputy City Attorney Prescilla Dugard on Tuesday, June 11, 2019, at 3:55 p.m.

The City Council voted on Closed Session Item Number One A, *City of San Diego vs. Cass Construction, Inc., et al.*, San Diego Superior Court Case Number 37-2019-00021868-CU-BC-CTL, to approve the filing of the litigation. This matter involves a construction defect lawsuit that alleges damage to surface improvements along Mission Gorge Road.

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

CS-1b *City of San Diego v. Cass Construction, Inc., et al.*

San Diego Superior Court Case No. 37-2019-00021868-CU-BC-CTL

DCA Assigned: J. Taylor

Report: Nothing to report.

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

CS-2 *DeAnza Harbor Resort and Golf v. City of San Diego et al.*

San Diego Superior Court Case No. GIC 821191

Risk Management Department Claim File No. LP05-0130-0251

DCA Assigned: M. Wharton

Report: Nothing to report.

CS-3 *Robert J. Reginato v. City of San Diego, et al.*

United States District Court Case No. 15cv1963 L (WVG)

Risk Management Department Claim File No. 10317

SCDCA Assigned: R. Stephan

Report: Nothing to report.

REPORTED BY: /s/ Mary T. Nuesca

Mary T. Nuesca

Assistant City Attorney for Special
Projects