

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR TUESDAY, SEPTEMBER 29, 2020
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. Prescilla Dugard, Senior Chief Deputy City Attorney, reports the results of the Closed Session meeting of September 29, 2020, as follows:

CLOSED SESSION MEETING FOR TUESDAY, SEPTEMBER 29, 2020, AT 11:00 A.M.

ROLL CALL:

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

Absent: None; all present.

CLOSED SESSION ITEMS:

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

CS-1 *Associated General Contractors of America v. City of San Diego*
San Diego Superior Court Case No. 37-2019-00026631-CU-WM-CTL
Risk Management Department Claim File No. 22593

CDCA Assigned: M. T. Phelps

Motion: To Accept a Signed Settlement Offer

Moved: Councilmember Cate, District 6

Seconded: Councilmember Montgomery, District 4

Vote: Passed 8 to 1, with Councilmember Sherman voting “no.”

Report: This item was reported out by Assistant City Attorney Sanna Singer on Tuesday, September 29, 2020, at 6:00 p.m.

The City Council voted on Closed Session Item Number One, *Associated General Contractors of America versus City of San Diego*, San Diego Superior Court Case Number 37-2019-00026631-CU-WM-CTL, Risk Management Department Claim File Number 22593, to accept a signed settlement offer in the amount of \$200,000, the dismissal of claims, and other terms as provided in the settlement agreement. The settlement agreement is subject to final approval of the expenditure by the San Diego City Council in open session.

This case arises from a challenge to the North City Pure Water Facility project, a City of San Diego construction project.

CS-2 *Adams Avenue, LLC v. City of San Diego*

San Diego Superior Court Case No. 37-2018-00019597-CU-EI-CTL
Risk Management Department Claim File No. 16192

SDCA Assigned: J. Taylor

Report: Nothing to report.

CS-3 *City of San Diego v. San Diego Gas & Electric Company, et al.*

San Diego Superior Court Case No. 37-2020-00002219-CU-BC-CTL

SDCA Assigned: J. Taylor

Report: Nothing to report.

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

CS-4 Number of Cases: Fourteen

SDCA Assigned: J. Taylor

Motion: To Initiate Litigation or Intervene

Moved: Councilmember Cate, District 6

Seconded: Councilmember Montgomery, District 4

Vote: Passed 8 to 1, with Councilmember Moreno voting “no.”

Report: This item was reported out Assistant City Attorney Sanna Singer on Tuesday, September 29, 2020, at 6:00 p.m.

The City Council also voted on Closed Session Item Number Four to authorize initiation of litigation on fourteen matters. Once litigation is formally commenced, the actions, the defendants, and other particulars will be disclosed to any person upon inquiry unless to do so would jeopardize effective service of process or settlement negotiations.

CS-5 Number of Cases: One

CDCA Assigned: M. Ankcorn

Motion: To Initiate Litigation or Intervene

Moved: Council President Gomez, District 9

Seconded: Councilmember Montgomery, District 4

Vote: Passed 7 to 2, with Councilmembers Cate and Kersey voting “no.”

Report: This item was reported out by Assistant City Attorney Sanna Singer on Tuesday, September 29, 2020, at 6:00 p.m.

Lastly, the City Council voted on Closed Session Item Number Four to authorize initiation of litigation on fourteen matters. Once litigation is formally commenced, the actions, the defendants, and other particulars will be disclosed to any person upon inquiry unless to do so would jeopardize effective service of process or settlement negotiations.

Conference with Legal Counsel – Significant Exposure to Litigation, pursuant to California Government Code section 54956.9(d)(2):

CS-6 *Claim filed by Ohio Security Insurance Company ASO Jeanne Ross DBA Boxdrop San Diego*

Risk Management Department Claim File No. 21031

DCA Assigned: E. Atkins

Report: Nothing to report.

REPORTED BY: /s/ Prescilla Dugard
Prescilla Dugard
Senior Chief Deputy City Attorney