

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR TUESDAY, OCTOBER 6, 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 October 6, 2020, as follows:

CLOSED SESSION MEETING FOR TUESDAY, OCTOBER 6, 2020, AT 9:00 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: Mayor Faulconer, 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 *Marlea Dell’Anno v. City of San Diego*

San Diego Superior Court Case No. 37-2017-00000118-CU-OE-CTL
Risk Management Department Claim File No. 13044

DCA Assigned: D. Abad

Outside Counsel: Tim Davis, Burke, Williams & Sorensen, LLP
William Price, Burke, Williams & Sorensen, LLP

Report: Nothing to report.

CS-2 *Matthew Papuga v. City of San Diego*

San Diego Superior Court Case No. 37-2018-00060802-CU-WT-CTL
Risk Management Department Claim File No. 20972

DCA Assigned: E. Kilcoyne

Report: Nothing to report.

CS-3 *Donna Frye v. City of San Diego*

San Diego Superior Court Case No. 37-2017-00041323-CU-MC-CTL
Risk Management Department Claim File No. 17936

SCDCA Assigned: C. Richardson

Report: Nothing to report.

CS-4 *Gordon v. 101 Ash, LLC, et al.*

San Diego Superior Court Case No. 37-2020-00028837-CU-FR-CTL

ACA Assigned: J. McNeill

Motion: To approve outside counsel's recommendation on proposed stipulation as presented; direct City Attorney to bring issue of rent set aside in an interest-bearing account.

Moved: Councilmember Kersey, District 5

Seconded: Councilmember Cate, District 6

Vote: Passed 5 to 4, with Councilmembers, Bry, Campbell, Sherman and Moreno voting "No."

Report: This item was reported out by Assistant City Attorney Sanna Singer on Tuesday, October 13, 2020, at 10:10 a.m.

The City Council voted on Closed Session Item Number Four, John Gordon v. 101 Ash, LLC, et al., San Diego Superior Court Case No. 37-2020-00028837-CU-FR-CTL, to authorize the Mayor and City Attorney to settle the litigation against the City by entering into a stipulation regarding under what circumstances the City will resume lease payments for the 101 Ash property.

A stipulation dismissing the City from the matter of Gordon v. 101 Ash, LLC, was fully executed and finalized on October 9, 2020. Under the Brown Act, this matter is considered closed and publicly reportable.

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

CS-5 Number of Cases: One

ACA Assigned: J. McNeill

Outside Counsel: Dick Semerdjian, Schwartz Semerdjian

Motion: To Initiate or Intervene in Litigation

Moved: Councilmember Ward, District 3

Seconded: Councilmember Montgomery, District 4

Vote: Passed 7 to 2 with Council President Pro Tem Bry and Councilmember Moreno voting "No."

Report: This item was reported out by Assistant City Attorney Sanna Singer on Tuesday, October 6, 2020, at 1:50 p.m.

The City Council voted on Closed Session Item Number Five to initiate litigation. Once litigation is formally commenced, the action, 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.

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