

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR TUESDAY, JUNE 29, 2021
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. David J. Karlin, Senior Deputy City Attorney, reports the results of the Closed Session meeting of June 29, 2021, as follows:

CLOSED SESSION MEETING FOR TUESDAY, JUNE 29, 2021, AT 9:00 A.M.

ROLL CALL:

Present: Mayor Gloria, Council President Campbell, Council President Pro Tem Whitburn, and Councilmembers LaCava, Montgomery Steppe, von Wilpert, Cate, Campillo, Moreno, and Elo-Rivera.

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 *Ruben Abagyan v. City of San Diego, et al.*

San Diego Superior Court Case No. 37-2018-00035920-CU-PA-CTL
Risk Management Department Claim File No. 29297

DCA Assigned: J. Brooks

Report: Nothing to report.

CS-2 *Rashid Adan v. City of San Diego, et al.*

United States District Court Case No. 19cv1523 LAB (AHG)
Risk Management Department Claim File No. 21111

SCDCA Assigned: R. Stephan

Report: Nothing to report.

CS-3 *City of San Diego v. 101 Ash, LLC et al.*

San Diego Superior Court Case No. 37-2020-00036247-CU-CO-CTL
Risk Management Department Claim File No. 25855

ACA Assigned: J. McNeill and M. T. Phelps

Outside Counsel: Dick Semerdjian, Schwartz Semerdjian

Motion: To seek leave to amend complaint

Moved: Councilmember Whitburn, District 3

Seconded: Councilmember Cate, District 6

Vote: Passed unanimously 9 to 0.

Report: This item was reported out by Assistant City Attorney Leslie A. FitzGerald on Tuesday, June 29, 2021, at 5:05 p.m.

The City Council voted on Closed Session Item No. Three to seek leave to amend the complaint filed in *City of San Diego v. 101 Ash, LLC, et al.*, San Diego Superior Court Case No. 37-2020-00036247-CU-CO-CTL, to add allegations against Jason Hughes for alleged violations of California Government Code section 1090, fraud, and breach of fiduciary duty with respect to the lease-to-own contract for the acquisition of the building located at 101 West Ash Street. The proposed amendment would also add allegations of negligence against West Coast General Corporation and Argus Contracting LP.

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

San Diego Superior Court Case No. 37-2020-00028837-CU-FR-CTL
Risk Management Department Claim File No. 25928

ACA Assigned: J. McNeill and M. T. Phelps

Outside Counsel: Dick Semerdjian, Schwartz Semerdjian

Report: Nothing to report.

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 and M. T. Phelps

Outside Counsel: Dick Semerdjian, Schwartz Semerdjian

Motion: To initiate litigation or to intervene in litigation

Moved: Councilmember Whitburn, District 3

Seconded: Councilmember Cate, District 6

Vote: Passed unanimously 9 to 0.

Report: This item was reported out by Assistant City Attorney Leslie A. FitzGerald on Tuesday, June 29, 2021, at 5:05 p.m.

The City Council voted on Closed Session Item No. Five to initiate litigation against Jason Hughes, Cisterra Partners, LLC, CCP 1200, LLC, and Wilmington Trust National Association for alleged violations of California Government Code section 1090, fraud, breach of fiduciary duty, and rescission with respect to the lease-to-own contract for the acquisition of the Civic Center Plaza building located at 1200 Third Avenue and 201 A Street (known at times as the “King Chavez High School Building”).

REPORTED BY: */s/ David J. Karlin*
David J. Karlin
Senior Deputy City Attorney