

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR TUESDAY, FEBRUARY 8, 2022
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 February 8, 2022, as follows:

CLOSED SESSION MEETING FOR TUESDAY, FEBRUARY 8, 2022, AT 11:00 A.M.

ROLL CALL:

Present: Mayor Gloria, Council President Elo-Rivera, Council President Pro Tem Montgomery Steppe, and Councilmembers LaCava, Campbell, Whitburn, von Wilpert, Cate, Campillo, 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 *Eric Ball v. City of San Diego, et al.*

United States District Court Case No. 21cv0498 GPC (BGS)
Risk Management Department Claim File No. 26182

CDCA Assigned: S. Tejura

Report: Nothing to report.

CS-2 *Save Our Access v. City of San Diego*

San Diego Superior Court Case No. 37-2020-00030308-CU-TT-CTL
Risk Management Department Claim File No. 25778

DCA Assigned: B. Syz

Motion: To accept staff recommendation to authorize an appeal

Moved: Councilmember Campbell, District 2

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, February 8, 2022, at 5:14 p.m.

Today, in Closed Session meeting, the City Council voted on Closed Session Item Number One, *Save Our Access v. City of San Diego*, San Diego Superior Court Case No. 37-2020-00030308-CU-TT-CTL, Risk Management Department Claim File Number 25778, to seek appellate review. This item involves litigation related to Measure E, a November 2020 Council-sponsored ballot measure approved by the voters of the City of San Diego to exclude the Midway-Pacific Highway Community Plan Area from the 30-foot height limit in the Coastal Zone.

REPORTED BY: */s/ David J. Karlin*

David J. Karlin
Senior Deputy City Attorney