

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR TUESDAY, OCTOBER 18, 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 October 18, 2022, as follows:

CLOSED SESSION MEETING FOR TUESDAY, OCTOBER 18, 2022, AT 11:00 A.M.

ROLL CALL:

- Present: Mayor Gloria, Council President Elo-Rivera, Council President Pro Tem Montgomery Steppe, and Councilmembers Campbell, Campillo, Cate, Whitburn, von Wilpert.
- Absent: Councilmember Whitburn from Council District 3 recused from Item CS-1, Councilmember Cate from Council District 6 absent for Item CS-4, Councilmember LaCava from Council District 1, and Councilmember Moreno from Council District 8, 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: *Estate of Timothy Smith, et al. v. City of San Diego, et al.*
United States District Court Case No. 16cv2989 WQH (MSB)
Risk Management Department Claim File No. 27247

DCA Assigned: T.L. Krentz

Report: Nothing to report.

CS-2 *Sriloga Kathirelavan v. City of San Diego*
San Diego Superior Court Case No. 37-2021-00015045-CU-PO-CTL
Risk Management Department Claim File No. 26043

DCA Assigned: K.R. Yee

Report: Nothing to report.

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

CS-3 *Protection for the Educational Rights of Kids v. City of San Diego*
San Diego Superior Court Case No. 37-2022-00003636-CU-CR-CTL
Risk Management Department Claim File No. 28912

DCA Assigned: J. Cadieux

Report: Nothing to report.

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

CS-4 *Air Pollution Control District Notices of Violation*
Notice of Violation No. APCD2019-NOV-000197 (Fire-Rescue Training Facility)
Notice of Violation No. APCD2019-NOV-000702 (101 Ash)
Notice of Violation No. APCD2020-NOV-000062 (101 Ash)
Notice of Violation No. APCD2020-NOV-000067 (101 Ash)
Notice of Violation No. APCD2020-NOV-000100 (101 Ash)

ACA Assigned: J. McNeill, Assistant City Attorney

DCA Assigned: L. M. DePoister, Deputy City Attorney

Motion: To Accept Signed Settlement Offer

Moved: Council President Elo-Rivera, District 9

Seconded: Councilmember Campbell, District 2

Vote: Passed 6 to 0 with Councilmembers LaCava, Cate, and Moreno absent.

Report: This item was reported out by Assistant City Attorney Leslie Fitzgerald on Tuesday, October 18, 2022, at 3:37 p.m.

The City Council voted on Closed Session Item Number Four, *Air Pollution Control District Notices of Violation*, to resolve five notices of violation issued by the Air Pollution Control District for alleged asbestos violations at the Fire-Rescue Training Facility and 101 Ash Street. Settlement calls for a one-time monetary payment of \$250,000 to the Air Pollution Control District and the creation of a Tree Planting Program with a not-to-exceed amount of \$4,690,000 to begin in July 2023 and be completed by December 2028. The motion passed 6 to 0, with Councilmembers Moreno, LaCava and Cate absent.

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

David J. Karlin
Senior Deputy City Attorney