CITY COUNCIL OF THE CITY OF SAN DIEGO THE CLOSED SESSION MEETING REPORT FOR TUESDAY, SEPTEMBER 11, 2018 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. Mary Nuesca, Assistant City Attorney for Special Projects, reports the results of the Closed Session meeting of September 11, 2018, as follows:

CLOSED SESSION MEETING FOR TUESDAY, SEPTEMBER 11, 2018, AT 11:00 A.M.

ROLL CALL:

Present: Mayor Faulconer, Council President Cole, Council President Pro Tem Bry,

and Councilmembers Zapf, Ward, Kersey, Cate, Alvarez, and Gomez.

Absent: Councilmember Sherman, Council District 7, 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 State Farm General Insurance Company v. City of San Diego

San Diego Superior Court Case No. 37-2017-00040020-CU-PO-CTL Risk Management Department Claim File No. 14782

DCA Assigned: D. Nicholas

Report: Nothing to report.

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

CS-2 Claim of Lexington Insurance Company and E.S. Holdings, LLC (Sanford Health)

Risk Management Department Claim File No. 12581

CDCA Assigned: C. Richardson

Motion: To accept a signed settlement offer Moved: Councilmember Alvarez, District 8 Seconded: Councilmember Kersey, District 5

Vote: Passed 8 to 0, with Councilmember Sherman absent.

Report: This item was reported out by Assistant City Attorney Mary Nuesca on

Tuesday, September 11, 2018, at 3:31 p.m.

The City Council voted on Closed Session Item No. Two, *Claims of Lexington Insurance Company and E.S. Holdings, LLC (Sanford Health)*, Risk Management Department Claim File No. 12581, to accept a signed settlement offer. This matter arises from the alleged failure of a City of San Diego-owned storm drain which allegedly damaged the owner's property.

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

CS-3 Lorin Toeppe v. City of San Diego

San Diego Superior Court Case No. 37-2014-00004836-CU-PO-CTL Risk Management Department Claim File No. 8296

CDCA Assigned: C. Richardson

Report: Nothing to report.

CS-4 City of San Diego v. MM San Diego LLC

United States District Court Case No. 3:16-cv-00964-WQH-BGS

CDCA Assigned: J. Taylor

Report: Nothing to report.

CS-5 Michael Bloom v. City of San Diego

United States District Court Case No. 17cv2324 (AJB) NLS Risk Management Department Claim File No. 18372

DCAs Assigned: K. Steinman and M. von Wilpert

Report: Nothing to report.

REPORTED BY: /s/ Mary T. Nuesca

Mary T. Nuesca

Assistant City Attorney for Special

Projects