

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION AGENDA
FOR
MONDAY, DECEMBER 11, 2023, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Permanent Rules for Noticing and Conduct of Closed Session Meetings, adopted by Resolution No. R-310153 on December 8, 2015, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Public testimony for this Closed Session Agenda will be taken today during the 10:00 a.m. Council meeting.**

CONSENT ITEMS

Staff presentations on the Consent Items listed below will be waived unless a request is made by any Councilmember for a specific item to be heard during the Discussion portion of the Closed Session agenda. Requests may be made during the meeting by notifying the Mayor or presiding officer.

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

CS-1 *Apolinario Chan, et al. v. City of San Diego*

San Diego Superior Court Case No. 37-2022-00026440 CU-EI-CTL

Risk Management Department Claim File No. 28140

DCA Assigned: C. Turner

This case arises from property damage to Plaintiffs’ home located at 520 29th Street, San Diego, allegedly caused by flooding on September 24, 2021. The City Attorney’s Office will update the Mayor and City Council on the status of the litigation and seek direction.

DISCUSSION ITEMS

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

CS-2 *Miguel Angel Pizarro, v. Trevor James Heitmann, et al., (consolidated with Angelo Pizarro v. Trevor James Heitmann, et al., and Kurt Heitmann v. City of San Diego, et al.)*

San Diego Superior Court Case No. 37-2019-00039360 CU-PA-CTL (consolidated with Case Nos. 37-2019-00044450 CU-PA-CTL and 37-2019-00060502 CU-PA-CTL)

Risk Management Department Claim File No.: 21367

SCDCA Assigned: S. J. Plotkin-Wolff

DCA Assigned: R. J. Rice

Outside Counsel: M. Dean, Dean Gazzo Roistacher, LLP.

This case involves allegations the San Diego Police Department violated a mandatory duty and a duty based on a special relationship that led to a fatal car collision. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-3 *Jeremiah Keilan Jenkins (In Re: Aleah Jenkins) v. City of San Diego, et al.*

San Diego Superior Court Case No. 37-2020-00014123-CU-PA-CTL and

USDC No. 19cv2123 CAB (RBB)

Risk Management Department Claim File No. 20916

DCA Assigned: R. J. Rice

Outside Counsel: C. A. Parker and C. Swiss, Collins + Collins, LLP

This item involves related state and federal lawsuits by Plaintiff Jeremiah Keilan Jenkins arising from the overdose death of his mother. Plaintiff alleges that the arresting officers failed to provide the decedent with timely medical care. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-4 *Wilson Kennedy v. City of San Diego*

San Diego Superior Court Case No. 37-2021-00039314-CU-OE-CTL

Risk Management Department Claim File No. 28279

DCA Assigned: P. H. James

This is an employment discrimination case in which Plaintiff alleges the City unlawfully denied him opportunities to promote into unclassified management positions based on his race. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

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

DCA Assigned: N. Denow and J. Goodman

The City Attorney will discuss the potential to initiate litigation and seek direction.

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

CS-6 Number of Cases: Potentially 50+

DCA Assigned: B. Bartolotta

The City Attorney's Office will discuss with the Mayor and City Council a threat of litigation.