

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY, DECEMBER 11, 2023
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 December 11, 2023, as follows:

CLOSED SESSION MEETING FOR MONDAY, DECEMBER 11, 2023, AT 10:00 A.M.

ROLL CALL:

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

Absent: Council District 4 is vacant.

CLOSED SESSION ITEMS:

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

Report: Nothing to report.

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.

Report: Nothing to report.

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
United States District Court Case 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

Report: Nothing to report.

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

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

DCA Assigned: N. Denow and J. Goodman

Motion: To initiate litigation or intervene

Moved: Councilmember von Wilpert, District 5

Seconded: Council President Pro Tem LaCava, District 1

Vote: Passed 8 to 0 with Council District 4 vacant

Report: This item was reported out by Assistant City Attorney Leslie A. FitzGerald on Monday, December 11, 2023, at 5:52 p.m.

Today, the City Council voted on Closed Session Item Number 5 to initiate litigation. Once litigation is formally commenced, the action, the defendants, and other particulars will be disclosed to any person upon inquiry unless to do so would jeopardize effective service of process or settlement negotiations.

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.

Report: Nothing to report.

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

David J. Karlin
Senior Deputy City Attorney