

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION AGENDA
FOR
MONDAY, JULY 29, 2024, 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 Agenda. **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 will be waived unless a request is made by any Councilmember for a specific item to be heard in 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 *Brenda Meek v. City of San Diego*

San Diego Superior Court Case No. 37-2022-00045429-CU-PO-CTL
Risk Management Department Claim File No.: 30161

DCA Assigned: M. T. Neff and S. A. Wigdor-Roberts

This case arises from a trip and fall on the sidewalk on Odell Road that occurred on May 30, 2022. The City Attorney’s Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-2 *Natalie Saluk v. City of San Diego*

San Diego County Superior Court Case No. 37-2022-00016078-CU-PO-CTL
Risk Management Department Claim File No.: 26337

DCA Assigned: O. Palizzolo

This case arises from a trip and fall that occurred in Pacific Beach on August 25, 2020. The City Attorney’s Office will update the Mayor and City Council on the status of litigation and seek direction.

CS-3 *Michael Jordan v. City of San Diego, et al.*

San Diego Superior Court Case No. 37-2022-00040493-CU-PO-CTL

Risk Management Department Claim File No.: 29327

DCA Assigned: E. L. Atkins

This case arises from an alleged trip and fall due to a raised portion of sidewalk located on South 42nd Street in San Diego, causing an injury to Plaintiff's knee. 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 – Significant Exposure to Litigation, pursuant to California Government Code section 54956.9:

CS-4 Number of Cases: One

Risk Management Department Claim File No.: 30798

DCA Assigned: D. E. Abad

This claim involves alleged property damage to Flatiron West, Inc.'s property located at 887 Sherman Street resulting from a rupture in the City's hydrant lateral. The City Attorney's Office will update the Mayor and City Council on the status of the matter and seek direction.

DISCUSSION ITEMS

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

CS-5 *Alexis Johnson v. City of San Diego, et al.*

San Diego Superior Court Case No. 37-2021-00036038-CU-PA-CTL

Risk Management Department Claim File No.: 24127

DCA Assigned: K. R. Yee

Outside Counsel: C. Mihelich and W. Pate of Devaney, Pate, Morris and Cameron

This case arises from a collision between an electric scooter and a police vehicle in downtown. The City Attorney's Office will update the Mayor and City Council on the status of litigation and seek direction.

CS-6 *Denice Simmons, Individually and as Personal Representative of the Estate of Mark Woolf v. City of San Diego, et al.*

San Diego Superior Court Case No. 37-2022-00016872-CU-PO-C
Risk Management Department Claim File No.: 28331

SCDCA Assigned: R. A. Stephan

Outside Counsel: D. Semerdjian, Schwartz Semerdjian Cauley Schena & Bush LLP

This case arises out of a fatal bicycle v. motor vehicle accident that occurred on May 5, 2021, at or near 2300 Congress Street, San Diego. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-7 *Chollas Creek Watershed Flooding Cases*

- a. *Gregory Montoya, et al. v. City of San Diego, 37-2024-00021327*
- b. *Lloyd Apgar, et al. v. City of San Diego, 37-2024-00024491*
- c. *Coastal Pride Towing, Inc. v. City of San Diego, 37-2024-00023296*
- d. *Angela Hampton v. City of San Diego, 24CU000134C*
- e. *Renato Dandoy, et al. v. City of San Diego, 37-2024-00030662*
- f. *Misael Ortiz, et al. v. City of San Diego, 24CU000267C*
- g. *Cristian Rodriguez, et al. v. County of San Diego, et al., 24CU000273C*
- h. *Timoteo Rodriguez, et al. v. County of San Diego, et al., 24CU000278C*
- i. *Francisco Gonzales, et al. v. City of San Diego, 24CU000231C*
- j. *Garcia Baldomero, et al. v. City of San Diego, 24CU000243C*
- k. *Amalio Melchor, et al. v. City of San Diego, 37-2024-00030743*
- l. *Alberto Navarro, et al. v. City of San Diego, 37-24-00028601*
- m. *Martha Navarro, et al. v. City of San Diego, 37-24-00029789*

Risk Management Department Claim File No. 35590

ACA Assigned: M. T. Phelps

SDCA Assigned: S. Robinson

Outside Counsel: D. Semerdjian, Schwartz Semerdjian
M. Dean, Dean Gazzo Roistacher

These cases arise from an extreme rainstorm that occurred on January 22, 2024, which resulted in flooding throughout the City, including the Chollas Creek watershed. Plaintiffs' inverse condemnation lawsuits allege they suffered real and personal property damage due to the flooding. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-8 *Ivy Blackwood-Evans, et al. v. City of San Diego*

San Diego Superior Court Case No. 37-2022-00049932-CU-CR-CTL
Risk Management Department Claim File No.: 31209

SDCA Assigned: G. F. Schaefer

Plaintiffs allege violations of the Fair Employment and Housing Act, discrimination, harassment, retaliation, and the failure to prevent them against the City arising from their employment with the Office of the San Diego City Clerk. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

Anticipated Litigation – Initiation of Litigation, pursuant to California Government Code section 54956.9:

CS-9 Number of Cases: One

DCA Assigned: C. E. Mougins and Z. H. Rowland

The City Attorney will discuss the potential to initiate litigation or to settle with the developer and seek direction regarding the same.

CS-10 Number of Cases: One

DCA Assigned: E. D. Kilcoyne

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