

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
CLOSED SESSION AGENDA  
FOR  
MONDAY, DECEMBER 16, 2024, AT 10:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**

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**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.** Court records about existing litigation are available to the public on the San Diego Superior Court's Website <http://www.sdcourt.ca.gov> and Register of Actions <http://odyroa.sdcourt.ca.gov>.

**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 *Stephen Labor v. City of San Diego***

San Diego Superior Court Case No. 37-2023-00000186-CU-PA-CT  
Risk Management Department Claim File No. 28241

DCA Assigned: R. J. Rice

This case arises from a motorcycle accident which occurred August 31, 2021, on Wandermere Drive in San Diego. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

**CS-2 *Marguerite Herrick v. City of San Diego***

San Diego Superior Court Case No. 37-2023-00036450-CU-PO-CTL  
Risk Management Department Claim File No. 33589

DCA Assigned: Z. Hill Rowland

This case arises from a trip and fall accident which occurred February 24, 2023, involving an alleged dangerous condition located at 13149 Trail Dust Avenue. The City Attorney will update the Mayor and City Council on the status of the litigation and seek direction regarding settlement with Plaintiff.

**CS-3 *Kelly Zombro v. City of San Diego***

San Diego Superior Court Case No. 37-2022-00050970-CU-OE-CTL  
Risk Management Department Claim File No. 31280

SDCA Assigned: G. F. Schaefer

Plaintiff Kelly Zombro sued the City for alleged age discrimination, failure to prevent age discrimination, retaliation, and wrongful constructive termination arising out of his employment at the San Diego Fire-Rescue Department. The City Attorney's Office will advise the Mayor and Council on the status of the litigation and seek direction.

**CS-4 *Sarjan Patel, et al., v. City of San Diego***

San Diego Superior Court Case No. 37-2023-00024205-CU-IE-CTL  
Risk Management Department Claim File No. 31816

DCA Assigned: C. C. Hawkins

This case is an inverse condemnation action for a sewage backup emanating from the City's sewer main which was installed in 1948 into Plaintiffs' backyard at 765 Bangor Street on September 5, 2022. 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(d)(2):**

**CS-5 Pre-Litigation Claim - QBE Insurance Corporation**

DCA Assigned: D. E. Abad

This claim arises from an April 24, 2022, incident where a towed airplane was damaged after sinking into the taxiway at Montgomery-Gibbs Executive Airport due to weakened asphalt. The incident is alleged to have caused property damage, lost business revenue, and increased business expenses to Claimant's insured. The City Attorney's Office will update the Mayor and City Council on the status of the claim and seek direction.

**DISCUSSION ITEMS**

**Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:**

**CS-6 Property: 3554-3590 Kettner Boulevard, San Diego, California**

Agency Negotiators: Christina Bibler, Economic Development Director  
Lucy Contreras, Deputy Director, Department of Real Estate and Airport Management  
Karen Johnson, Asset Manager, Department of Real Estate and Airport Management  
Casey Smith, Deputy Chief Operating Officer  
Paola Avila, Mayor's Chief of Staff  
Stephen Cushman, Special Advisor to the Mayor  
Heather Ferbert, City Attorney  
Jean Jordan, Assistant City Attorney  
Kevin Reisch, Senior Chief Deputy City Attorney  
Andrew Alfonso, Deputy City Attorney

Negotiating Parties: City of San Diego and Kettner Vine Creative House LLC, a California limited liability company

Under Negotiation: Price and payment terms for potential acquisition of an interest or estate in the real property located at 3554-3590 Kettner Boulevard, San Diego, California

SDCA Assigned: K. Reisch  
DCA Assigned: A. Alfonso

The Council will meet with its negotiators for an update on the price and payment terms for the City's potential acquisition of an interest or estate in the real property located at 3554-3590 Kettner Boulevard, San Diego, California.

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

**CS-7 *McMillin-NTC, LLC v. California Coastal Commission, et al.***

San Diego Superior Court Case No. 24-CU010068C  
Risk Management Department Claim File No. 38426

DCA Assigned: J. Mickova Will

This case arises from the approval of a Coastal Development Permit for the NTC H-Barracks Project in Liberty Station allowing for temporary homeless parking,

sheltering, and services. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

**CS-8 *Patrice Baker v. City of San Diego***

United States District Court Case No. 3:19-cv-1013-JO (DEB)  
Risk Management Department Claim File No. 22699

DCA Assigned: J. K. Goodman

This case arises from a lawsuit alleging the City and the Housing Authority are violating the Fair Housing Act and the Fair Employment and Housing Act by increasing density throughout the City when it updates its community plans. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.