

<b>REQUEST FOR COUNCIL ACTION</b>		<b>CITY OF SAN DIEGO</b>				CERTIFICATE NUMBER (FOR COMPTROLLER'S USE ONLY) cc# 3000008374
TO: CITY COUNCIL	FROM (ORIGINATING DEPARTMENT): Risk Management	DATE: 11/3/2015				
SUBJECT: Settlement of property damage claim of Madelyn and William Aguilar, Risk Management Claim numbers 9384 & 10440.						
PRIMARY CONTACT (NAME, PHONE): James Coldren, 619-236-5598, MS 51B			SECONDARY CONTACT (NAME, PHONE): Stacy Plotkin-Wolff, 619-236-6486, MS 59			
<b>COMPLETE FOR ACCOUNTING PURPOSES</b>						
FUND	720045					
FUNCTIONAL AREA						
COST CENTER	1515000011					
GENERAL LEDGER ACCT	512007					
WBS OR INTERNAL ORDER						
CAPITAL PROJECT No.						
AMOUNT	\$500,000.00	0.00	0.00	0.00	0.00	
FUND						
FUNCTIONAL AREA						
COST CENTER						
GENERAL LEDGER ACCT						
WBS OR INTERNAL ORDER						
CAPITAL PROJECT No.						
AMOUNT	0.00	0.00	0.00	0.00	0.00	
<b>COST SUMMARY (IF APPLICABLE):</b> Total of \$500,000.00 will be paid from the Public Liability Fund 720045 resulting in total settlement of \$550,000.00 based on prior payment of \$50,000.00.						
<b>ROUTING AND APPROVALS</b>						
<b>CONTRIBUTORS/REVIEWERS:</b>		<b>APPROVING AUTHORITY</b>	<b>APPROVAL SIGNATURE</b>	<b>DATE SIGNED</b>		
Liaison Office		ORIG DEPT.	Canizal, Julio	11/23/2015		
Environmental Analysis		CFO				
Financial Management		DEPUTY CHIEF	Lewis, Mary	11/30/2015		
Comptroller		COO				
		CITY ATTORNEY	Plotkin-Wolff, Stacy	11/25/2015		
		COUNCIL PRESIDENTS OFFICE	Jurado-Sainz, Diana	12/02/2015		
PREPARATION OF:	<input checked="" type="checkbox"/> RESOLUTIONS	<input type="checkbox"/> ORDINANCE(S)	<input type="checkbox"/> AGREEMENT(S)	<input type="checkbox"/> DEED(S)		
<p>1. Authorizing the Mayor or his designee to pay the sum of \$500,000.00 from the Public Liability Fund, 720045, in addition to \$50,000.00 previously paid, in settlement of each and every claim for damages, interest, costs and fees of any type, including but not limited to attorney fees, against the City of San Diego, its agents and employees resulting from the personal injury and property damage claim of Madelyn and William Aguilar.</p> <p>2. Authorizing the Chief Financial Officer to appropriate and expend \$500,000.00 from the Public Liability Fund, 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the</p>						

funds necessary for expenditure are, or will be, on deposit with the City Treasurer. 3. Authorizing the Comptroller to issue one check in the amount of \$500,000.00 made payable to Thorsnes Bartolotta Client Trust Account.	
STAFF RECOMMENDATIONS: Approve the Recommendation	
SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)	
COUNCIL DISTRICT(S):	7
COMMUNITY AREA(S):	San Carlos
ENVIRONMENTAL IMPACT:	This Activity is not a project and therefore is not subject to CEQA pursuant to the State Guidelines Section 15060(c)(3).
CITY CLERK INSTRUCTIONS:	

**COUNCIL ACTION  
EXECUTIVE SUMMARY SHEET  
CITY OF SAN DIEGO**

DATE: 11/3/2015

ORIGINATING DEPARTMENT: Risk Management

SUBJECT: Settlement of property damage claim of Madelyn and William Aguilar, Risk Management Claim numbers 9384 & 10440.

COUNCIL DISTRICT(S): 7

CONTACT/PHONE NUMBER: James Coldren/619-236-5598, MS 51B

**DESCRIPTIVE SUMMARY OF ITEM:**

This item seeks approval to pay the property damage claim of Madelyn and William Aguilar as a result of flooding, related to a storm water channel, which occurred on March 1, 2014 and again on November 1, 2014.

**STAFF RECOMMENDATION:**

Approve the Recommendation

**EXECUTIVE SUMMARY OF ITEM BACKGROUND:**

This is a pre-litigation claim arising out of flooding which occurred when a storm channel backed up due to a plugged pipe behind homes in the 7900 block of Beaver Lake Drive on March 1, 2014 and again on November 1, 2014.

**FISCAL CONSIDERATIONS:**

Settlement amount of \$500,000.00, in addition to a prior payment of \$50,000.00, will be paid from the Public Liability Fund 720045.

**EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):**

N/A

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

The item was approved at Closed Session on November 3, 2015.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

N/A

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

N/A

Canizal, Julio

Originating Department

Lewis, Mary

Deputy Chief/Chief Operating Officer