

105

(R-2007-227)

9/26/06

RESOLUTION NUMBER R- 301931

DATE OF FINAL PASSAGE SEP 29 2006

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SETTLEMENT OF PROPERTY DAMAGE CLAIMS.

WHEREAS on May 17, 2005, the City Council [Council] of the City of San Diego [City] authorized by Resolution No. 300434 the expenditure of funds in the amount of \$650,000 for repair and restoration of property subject to the Property Damage Claims of Kendar Pyatt, et al.; and

WHEREAS the previously authorized funds have been expended for this purpose; and

WHEREAS the City authorized Luth and Turley, Inc. to conduct the restoration of the impacted property on behalf of the City; and

WHEREAS at present, there exists a remaining balance owed to Luth and Turley, Inc. for work performed for the City in the amount of \$327,471.62; and

WHEREAS an additional amount of \$20,000 is required to compensate claimants for remaining personal property losses; and

WHEREAS the total amount authorized in settlement of all claims against the City arising from the referenced Property Damage Claims is not anticipated to exceed \$980,118.41;

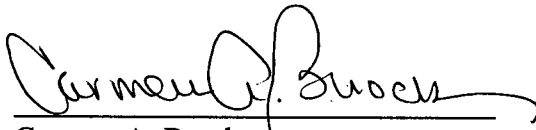
NOW THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego that the Council authorizes:

1. The sum of up to, but not to exceed \$980,118.48 to be paid from the Public Liability Fund (81140) in settlement of each and every claim against the City, its agents and employees, resulting from the Property Damage claims of Kedar PYATT, et al.
2. The City Auditor and Comptroller to issue one check in the amount of \$327,471.62 payable to Luth and Turley, Inc.
3. The City Auditor and Comptroller to issue additional checks up to but not exceeding \$20,000.00 for any additional property damage claims brought by PYATT, et al.
4. The use of storm water funds to fund this settlement.

APPROVED AS TO FORM: MICHAEL J. AGUIRRE, City Attorney

By


Carmen A. Brock
Deputy City Attorney

CAB:amj
08/18/06
A/C2700104
Or.Dept:Risk Management
R-2007-227

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 26 2006.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9-29-06
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

AC 2700104

ORIGINATING

DEPT. NO.: 84

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$347,471.62

Vendor: Luth and Turley, Inc.

Purpose: Authorizing the expenditure for the settlement of each and every claim against the City resulting from the Property Damage Claims of Kedar Pyatt (\$327,471.61 payable to Luth and Turley and various additional checks not to exceed \$20,000.00 for other property damage claims brought by Kedar Pyatt).

Date: August 11, 2006 By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	81140	81140	3302	4824	081141				\$347,471.62
TOTAL AMOUNT										\$347,471.62

FUND OVERRIDE

AC 2700104

R- 301931

SEP 26 2006

SEP 26 2006

Passed by the Council of The City of San Diego on _____, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 29 2006

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary-Cepeda*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number *R-301931*