

RESOLUTION NUMBER R- 308304

DATE OF FINAL PASSAGE JUL 11 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT  
BETWEEN AVI KLINGER AND THE CITY OF SAN DIEGO

WHEREAS, this is a pre-litigation claim against the City of San Diego [City], alleging clean up expenses and destroyed property, arising from a water main break which occurred at 3136 Kurtz Street. Claimant filed a claim against the City. Claim is entitled Administrative Docs for Risk, Risk No 7177; and

WHEREAS, in Closed Session on April 23, 2013, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 5, 6, 7, 8, and 9; Nays, None; and Vacant, District 4, approved the Settlement Agreement;

WHEREAS, the City Council in closed session on April 23, 2013, and authorized settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; NOW, THEREFORE,

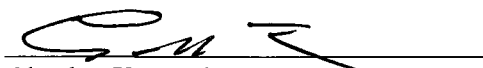
BE IT RESOLVED, by the Council of the City of San Diego that the Council authorizes:

1. The Mayor or his designee to pay the sum of \$136,500 from the Water Utility Operating Fund 700011, 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 its agents and employees, arising from the property damage claim of Avi Klinger.

2. Authorizes the Chief Financial Officer to expend the amount of \$136,500 from the Water Utility Operating Fund 700011, solely and exclusively to provide funds for the above Settlement Agreement.

3. Authorizes the Comptroller to issue a check in the amount of \$136,500 payable to Avi Klinger.

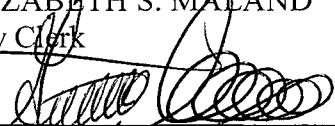
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Charles H. Taylor  
Deputy City Attorney

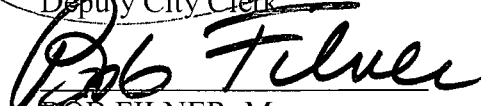
CHT:bas  
5/10/2013  
Or.Dept:Risk  
CC No. 3000006133  
Doc. No.: 560482

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 25 2013.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 7/11/13  
(date)

  
BOB FILNER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
BOB FILNER, Mayor

Passed by the Council of The City of San Diego on JUN 25 2013, by the following vote:

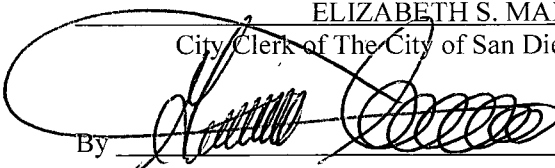
Councilmembers	Yeas	Nays	Not Present	Recused
Sherrri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 11 2013

AUTHENTICATED BY:

BOB FILNER  
Mayor of The City of San Diego, California.

(Seal)

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

Office of the City Clerk, San Diego, California  
Resolution Number R- 308304