

S400 11/10

(R-2015-242)

RESOLUTION NUMBER R- 309309

DATE OF FINAL PASSAGE NOV 25 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO TO APPROVE THE SETTLEMENT BETWEEN  
TRACY AND MIKE KULL AND THE CITY OF SAN DIEGO

WHEREAS, Tracy and Mike Kull filed a claim with the City of San Diego (City) for damages to their property caused by a clogged storm water channel that occurred on February 28, 2014. The clogged storm water channel caused flooding to their home, which involved loss of personal property, hiring of a restoration company to haul away debris, dry out dry wall, conduct mold testing, hiring of a reconstruction company, moving property out of the home during reconstruction, and living in a hotel while the construction was underway. Claim No. 9384 was reviewed by City of San Diego's Risk Management; and

WHEREAS, in Closed Session of October 21, 2014, the City Council by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7 8, 9; Nays, None; and absent, None, approved the settlement of the claim for an amount consistent with the amounts set forth below; NOW THEREFORE,

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

1. The sum of \$135,000 to be paid from the Public Liability Fund, Fund 720045, in full and final settlement of each and every claim for damages, interest, costs and fees of any type, including attorneys fees, against the City, its agents and employees, arising from the property damage claim of Tracy and Mike Kull.

2. Authorizing the Chief Financial Officer to expend the amount of \$135,000.00 from the Public Liability Fund, Fund 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the 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 \$135,000.00 made payable to Tracy and Mike Kull.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Christine Leone  
Christine M. Leone  
Deputy City Attorney

CML:ctm  
11/3/2014  
Or.Dept:City Attorney  
CC No. 3000007361  
Doc. No. 895218

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 10 2014.

ELIZABETH S. MALAND  
City Clerk

By Mary Fernandez  
Deputy City Clerk

Approved: 11/24/14  
(date)

Kevin I. Faulconer  
KEVIN I. FAULCONER, Mayor

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

\_\_\_\_\_  
KEVIN I. FAULCONER, Mayor

Passed by the Council of The City of San Diego on NOV 10 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 25 2014

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

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

(Seal)

By *Mary Kennedy*, Deputy

Office of the City Clerk, San Diego, California

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