

RESOLUTION NUMBER R- 309978

DATE OF FINAL PASSAGE SEP 24 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT  
BETWEEN TRACY 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, Tracy and Mike Kull filed a second claim with the City of San Diego (City) for damages to their property caused by a clogged storm water channel that occurred on November 1, 2014. Again, 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. 10965 was reviewed by City of San Diego's Risk Management; and

WHEREAS, in Closed Session of July 28, 2015, 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,

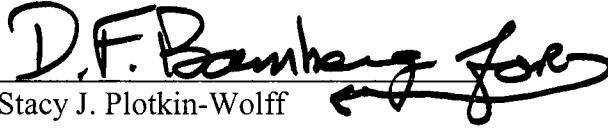
BE IT RESOLVED, by the City Council of the City of San Diego, that the Council authorizes:

1. The sum of \$211,181 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 Kull.

2. Authorizing the Chief Financial Officer to expend the amount of \$211,181.00 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 \$211,181.00 made payable to Tracy Kull.


APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Stacy J. Plotkin-Wolff  
Deputy City Attorney

SJP:yp  
August 17, 2015  
Or.Dept:City Attorney  
CC No. 3000008125  
Doc. No.: 1085077

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 15 2015.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 9/23/15  
(date)

  
KEVIN L. FAULCONER, Mayor

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

CC 300008125  
 DEPT. NO.: 1515

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: \_\_\_\_\_

Purpose: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original 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: \_\_\_\_\_ \$211,181.00

Vendor: Tracy Kull

Purpose: Settlement of property damage Claim of Tracy Kull, Risk Management Claim No. 10965

Date: August 17, 2015

By: Holly Hernandez 

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
01	720045			OTHR-00000000-GG	512007	1515	1515000011		\$211,181.00
TOTAL AMOUNT									\$211,181.00

FUND OVERRIDE

CC 300008125

Passed by the Council of The City of San Diego on SEP 15 2015, 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"/>
Lorie Zapf	<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"/>
Chris Cate	<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 SEP 24 2015.

(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 *Sty Casey*, Deputy

Office of the City Clerk, San Diego, California

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