

RESOLUTION NUMBER R- 310493

DATE OF FINAL PASSAGE JUN 01 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
GUSTAVO AND PAULA PIMENTAL AND THE CITY OF
SAN DIEGO

WHEREAS, on September 11, 2014, Gustavo and Paula Pimental filed a claim against the City of San Diego alleging property damages following a water main break outside their home on September 3, 2014; and

WHEREAS, in Closed Session on April 12, 2016, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7 and 8; Nays, None; and absent, District 9, 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,

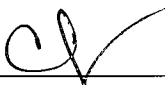
BE IT RESOLVED, by the Council of the City of San Diego that the Council authorizes:

1. The sum of \$75,000 to be paid from the Water Utility Operating Fund 700011 in settlement of each and every claim for damages, interest, costs and fees of any type, including attorney fees, against the City, its agents and employees, arising from the September 3, 2014 incident that is the subject of Gustavo and Paula Pimental's claim. The City has already advanced \$2,500 to claimants, thus the total outstanding settlement amount is \$72,500.
2. The Chief Financial Officer to appropriate and expend \$72,500 from the Water Utility Operating Fund 700011, 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. The Comptroller to issue a check for Seventy-two thousand, Five Hundred Dollars (\$72,500) made payable to the AGUIRRE & SEVERSON LLP CLIENT TRUST ACCOUNT.

APPROVED: JAN I. GOLDSMITH, City Attorney

By: 
Christina M. Milligan
Deputy City Attorney

CMM:gcb
4/12/2016
Or.Dept: City Attorney
CC No. 3000008821
Doc. No.: 1264853

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 24 2016.

ELIZABETH S. MALAND
City Clerk

By: 
Deputy City Clerk

Approved: 5/31/16
(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 3000008821
 DEPT. NO.: 2013

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: _____
 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: \$72,500.00

Vendor: Aguirre & Severson LLP Client Trust Account

Purpose: Settlement of inverse condemnation claim of Gustavo and Paula Pimental resulting from a broken water main pipe.

Date: April 19, 2016 By: Livia Valles
 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	700011				512007	2013	2013130001		\$72,500.00
TOTAL AMOUNT									\$72,500.00

Passed by the Council of The City of San Diego on MAY 24 2016, by the following vote:

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

Date of final passage JUN 01 2016.

(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 Fernandez*, Deputy

Office of the City Clerk, San Diego, California

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