#103 (R-2016-550) 5/24/16

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 Max Maranta
Deputy City Clerk

Approved: 5/31/16

(date) KEVIN L. FAULCONER, Mayor

Vetoed: KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

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Passed by the Council of T	he City of San Diego on	MAY 2	4 2016 , by	, by the following vote:	
Councilmembers	Yeas	Nays	Not Present	Recused	
Sherri Lightner					
Lorie Zapf			Z		
Todd Gloria	Ø				
Myrtle Cole	Ø				
Mark Kersey	\square				
Chris Cate	Ø				
Scott Sherman					
David Alvarez					
Marti Emerald			Ø		
Date of final passage	JUN 0 1 2016				
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AUTHENTICATED BY:	M	KEVIN L. FA	ULCONER San Diego, California.		
AUTHENTICATED BT.		141	ayor or the city of	San Diego, Camorina.	
			ELIZABETH		
(Seal)		_	<i>1</i>	of San Diego, California. Maniles , Deputy	

Office of the City Clerk, San Diego, California

Resolution Number R- 310493