

# 102  
01/24/17

(R-2017-326)  
(COR. COPY)

RESOLUTION NUMBER R- 310925

DATE OF FINAL PASSAGE, FEB 03 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT  
BETWEEN STEVE HUEMMER AND ANGELA GARNER  
AND THE CITY OF SAN DIEGO.

WHEREAS, on December 14, 2015 a fire hydrant lateral blew causing substantial amounts of water to rush down the street, onto the property of and into the home owned by Steve Huemmer and Angela Garner [Claimants] located at 1705 Fort Stockton Drive, San Diego, CA. Steve Huemmer and Angela Garner filed a claim against the City of San Diego [City] alleging the City was responsible for the damage to the property, including the loss of a Eucalyptus tree, as well as their home. The claim was timely filed and a settlement was agreed upon between Claimants and City; and

WHEREAS, in Closed Session on November 15, 2016, the Council of the City of San Diego, by the following votes:

Yeas, District(s) 1, 2, 4, 5, 6, 8, 9; Nays, None and Districts 3 and 7 absent, approved the settlement; and

WHEREAS, the City Council in closed session on November 15, 2016 authorized settlement of the claim for an amount consistent with the amounts set forth below; NOW, THEREFORE,

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


1. The sum of \$171,531.14 to be paid from the Water Utility Fund No. 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 this claim.

2. The Chief Financial Officer is authorized to appropriate and expend \$171,531.14 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 one check in the amount of \$ 171,531.14 payable to Steve Huemmer and Angela Garner.

APPROVED: MARA W. ELLIOTT, City Attorney

By



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Paul F. Prather  
Deputy City Attorney

PFP:sab  
December 21, 2016  
January 23, 2017 Cor. Copy  
Or.Dept: Risk Management  
Doc. No.: 1412170\_3

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 24 2017

ELIZABETH S. MALAND  
City Clerk

By *Brenda Bruin*  
Deputy City Clerk

Approved: 2/13/17  
(date)

*Kevin L. Faulconer*  
KEVIN L. FAULCONER, Mayor

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

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

Passed by the Council of The City of San Diego on JAN 24 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 03 2017

**(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 *Sandra Irwin*, Deputy

Office of the City Clerk, San Diego, California

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