

# 106  
5/22/18

RESOLUTION NUMBER R- 311770

DATE OF FINAL PASSAGE MAY 30 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN  
MARINDUSTRY PARTNERS, LP AND THE CITY OF SAN  
DIEGO

WHEREAS, on February 23, 2017, MARINDUSTRY PARTNERS, LP filed a claim against the City of San Diego [City] alleging property damage arising from damage to its property at 6335 Marindustry Drive due to flooding during heavy rains; and

WHEREAS, in Closed Session on April 10, 2018, the City Council, by the following votes: Yeas, District(s) 2, 3, 4, 5, 6, 7, 8, and 9; Nays, None; and Absent 1, approved the Settlement 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:


1. Authorizes the Mayor or his designee to pay the total sum of \$66,668.95 from Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from flooding damages allegedly caused by encroaching City tree roots. The roots clogged the claimant's drains, causing flooding at claimant's warehouse, located at 6335 Marindustry Drive. The City issued an advance payment of \$40,000.00 on January 8, 2018.

2. Authorizes the Chief Financial Officer to appropriate and expend an additional \$66,668.95 from the Public Liability Fund No. 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. Authorizes the Comptroller to issue a check in the amount of \$66,668.95, made payable to Marindustry Partners, LP, for a total settlement of \$106,668.95.



APPROVED: MARA W. ELLIOTT, City Attorney

By   
David Scott  
Deputy City Attorney

DS:slc  
4/27/2018  
Or.Dept: City Attorney  
CC No. 3000011085  
Doc. No.: 1739737

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 22 2018.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk  
  
KEVIN L. FAULCONER, Mayor

Approved: 5/30/18  
(date)

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

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

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000011085  
DEPT. NO. 1211

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: \$66,668.95

Vendor: Marindustry Partners, LP.

Purpose: Authorizing the expenditure of funds for the settlement of property damaged claims filed by Marindustry Partners, LP, Risk Mgmt Files No. 15427 & No. 16424. Total settlement amount is \$106,668.95, of which, \$40,000.00 had already been advanced to claimant on January 20, 2017. This Comptroller's Certificate is only certified for the outstanding settlement amount.

Date: May 3, 2018 By: Lina Chim  
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		\$66,668.95
TOTAL AMOUNT									\$66,668.95

Passed by the Council of The City of San Diego on MAY 22 2018, 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 MAY 30 2018


(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 , Deputy

Office of the City Clerk, San Diego, California

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