

RESOLUTION NUMBER 311941

DATE OF FINAL PASSAGE AUG 20 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT  
BETWEEN LISA LAMBIASE AND THE CITY OF SAN DIEGO

WHEREAS, on September 12, 2017, LISA LAMBIASE filed suit against the City of San Diego alleging personal injuries arising from a trip and fall accident over an uneven portion of asphalt in the intersection of Grape Street and India Street in downtown San Diego; Plaintiff brought suit in the San Diego Superior Court. The suit is entitled *Lisa Lambiase v. City of San Diego*, San Diego Superior Court Case No. 37-2017-00033460-CU-PO-CTL; and

WHEREAS, in Closed Session on June 19, 2018, the City Council, by the following votes: Yeas, 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays, None; and All Present, approved the Settlement; and

WHEREAS, the City Council in Closed Session on June 19, 2018, authorized settlement of the Litigation for an amount consistent with the amounts set forth below; NOW

THEREFORE;

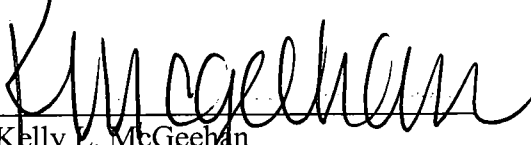
BE IT RESOLVED, by the City Council of the City of San Diego, that the Council authorizes:

1. A resolution authorizing the Mayor or his designee to pay the sum of \$70,000.00 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 the personal injury complaint filed by Lisa Lambiase, entitled *Lisa Lambiase v. City of San Diego*, San Diego Superior Court Case No. 37-2017-00033460-CU-PO-CTL.

2. Authorizes the Chief Financial Officer to expend \$70,000.00 from 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 \$70,000.00, made payable to Catharine Kroger-Diamond, APC Client Trust Account.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Kelly L. McGeehan  
Deputy City Attorney

KLM:jn  
July 23, 2018  
Or. Dept: City Attorney  
CC: 300011305  
Doc. No.: 1798715

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 07 2018.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 8/20/18  
(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 3000011305  
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: \_\_\_\_\_ \$70,000.00

Vendor: Catharine Kroger-Diamond, APC Client Trust Account

Purpose: Authorizing the expenditure of funds for the settlement of a complaint filed by Lisa Lamblase. Risk Management File No. 15590.

Date: July 27, 2018 By: Lina Chlm   
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	512006	1515	1515000011		\$70,000.00
TOTAL AMOUNT									\$70,000.00

Passed by the Council of The City of San Diego on AUG 07 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 AUG 20 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:

(Seal)

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

311941

Resolution Number R-\_\_\_\_\_