

RESOLUTION NUMBER R- 312091

DATE OF FINAL PASSAGE DEC 10 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN  
KELLEY TOWERS AND KEVIN TOWERS AND THE CITY  
OF SAN DIEGO

WHEREAS, on August 1, 2017, KELLEY TOWERS AND KEVIN TOWERS filed a claim against the City of San Diego [City] alleging property damage arising from a break in the City's water main at Kettner Boulevard and Juniper Street in Little Italy; and

WHEREAS, in Closed Session on October 16, 2018, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 6, 7 and 9; Nays, None; and absent, 8, 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:

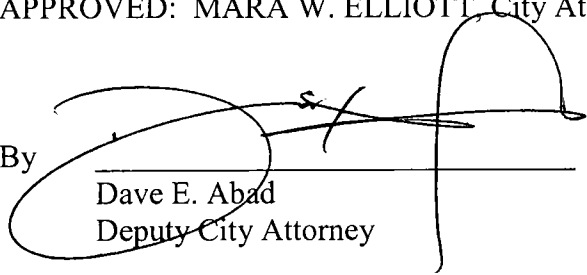
1. A resolution authorizing the Mayor or his designee to pay the sum of \$145,621.15 from Water Fund No. 700011, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the property damage claim filed by Kelley Towers and Kevin Towers.

2. Authorize the Chief Financial Officer to expend \$145,621.15 from Water Fund No. 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. Authorize the Comptroller to issue a check in the amount of \$145,621.15, made payable to Kelley Towers and Kevin Towers.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
\_\_\_\_\_  
Dave E. Abad  
Deputy City Attorney

DA:gb  
11/9/2018  
Or.Dept: City Attorney  
CC No. 3000011633  
Doc. No.: 1875325

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 04 2018

ELIZABETH S. MALAND  
City Clerk

By Connie Patterson  
Deputy City Clerk

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

Approved: 12/10/18  
(date)

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

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

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000011633  
 DEPT. NO.: 2000

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: \_\_\_\_\_

Purpose: \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_

COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA |                |      |              |             |                 |               |                            |                               |                 |
|-----------------|----------------|------|--------------|-------------|-----------------|---------------|----------------------------|-------------------------------|-----------------|
| Doc. Item       | Funded Program | Fund | Grant Number | G/L Account | Functional Area | Business Area | Fund Center or Cost Center | Internal Order or WBS Element | 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: \_\_\_\_\_ \$145,621.15

Vendor: Kelley Towers and Kevin Towers

Purpose: To authorize the expenditure of funds, not to exceed \$145,621.15, for the Settlement of the Property Damage Claim No. 17108.

Date: November 5, 2018 By: Elizabeth Warnock 

COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA |                |        |              |             |                  |               |             |             |                 |
|-----------------|----------------|--------|--------------|-------------|------------------|---------------|-------------|-------------|-----------------|
| Doc. Item       | Funded Program | Fund   | Grant Number | G/L Account | Functional Area  | Business Area | Fund Center | WBS Element | Original Amount |
| 001             | Non-Program    | 700011 | N/A          | 512007      | OTHR-0000000-WLJ | 2000          | 2000211101  | N/A         | \$145,621.15    |
|                 |                |        |              |             |                  |               |             |             |                 |
|                 |                |        |              |             |                  |               |             |             |                 |
|                 |                |        |              |             |                  |               |             |             |                 |
| TOTAL AMOUNT    |                |        |              |             |                  |               |             |             | \$145,621.15    |

FUND OVERRIDE

Passed by the Council of The City of San Diego on DEC 04 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 type="checkbox"/>            | <input checked="" 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 DEC 10 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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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