

RESOLUTION NUMBER R- 312959

DATE OF FINAL PASSAGE APR 23 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
PORTER FAMILY TRUST AND THE CITY OF SAN DIEGO.

WHEREAS, on December 8, 2018, PORTER FAMILY TRUST filed suit against the City of San Diego [City] alleging property damage arising from an incident that occurred on February 1, 2015. Plaintiffs brought suit in the Superior Court for the County of San Diego. The suit is entitled *Porter Family Trust v. City of San Diego, et al.*, Superior Court Case No. 37-2018-00061585-CU-OR-CTL [Litigation]; and

WHEREAS, in Closed Session on March 10, 2020, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 6, 7, 8 and 9; Nays, none, and absent, none, approved the settlement; and

WHEREAS, the City Council in closed session on March 10, 2020, 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 City Council of the City of San Diego, that the Council:

1. Authorizes the Mayor or his designee to pay the sum of \$147,811.57 from Fund 700011, Water Utility Operating Fund, 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 water intrusion at Plaintiffs' property.

2. Authorizes the Chief Financial Officer to expend \$147,811.57 from Fund 700011, Water Utility Operating Fund, 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 Department of Finance to issue a check in the amount of \$147,811.57, made payable to Borton Petrini, LLP Trust.

APPROVED: MARA W. ELLIOTT, City Attorney

By s/Catherine A. Richardson
Catherine A. Richardson
Senior Chief Deputy City Attorney

CAR:slc
March 10, 2020
Or.Dept: City Attorney
CC No. 300013128
Doc. No.: 2348637

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of April 21, 2020.

ELIZABETH S. MALAND
City Clerk

By /s/ Matthew R. Hilario
Deputy City Clerk



KEVIN L. FAULCONER, Mayor

Approved: 4/22/2020
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO.: 3000013128

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: _____

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: \$147,811.57

Vendor: Borton Petrini, LLP Trust

Purpose: Settlement of Porter Family Trust v. City of San Diego, San Diego Superior Court Case No.37-2018-00061585-CU-OR-CTL, Claim No.11333

Date: March 19, 2020 By: Michael Pelayo

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
01		700011	NOT_RELEVANT_GRANT	512007	OTHR.00000000-WU	2000	2000211101		\$147,811.57
TOTAL AMOUNT									\$147,811.57

Passed by the Council of The City of San Diego on APR 21 2020, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 23 2020

(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.

(Seal)

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

By *Cennie Patterson*, Deputy
for Matthew Hilario

Office of the City Clerk, San Diego, California
Resolution Number R- 312959