

RESOLUTION NUMBER - 315181

DATE OF FINAL PASSAGE NOV 06 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN  
FELIX GUTIERREZ-PEREZ AND THE CITY OF SAN DIEGO.

WHEREAS, on May 18, 2022, Felix Gutierrez-Perez filed a lawsuit against the City of San Diego (City) alleging personal injury arising from a dog bite at 3048 K Street. The suit is entitled *Felix Gutierrez-Perez v. City of San Diego*, United States District Court Case No. 22-cv-0712-BEN-AGS (Litigation); and

WHEREAS, in Closed Session on September 11, 2023, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 6, 7, and 8; Nays, None; Absent, District 9; approved the Settlement 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:

1. Authorizes 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 Litigation.

2. Authorizes the Department of Finance to expend \$70,000.00.00 from Public Liability Fund No. 720045 for the purpose of settling this claim.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
Blair B. McGregor  
Deputy City Attorney

BBM:tr

September 12, 2023

Or Dept: City Attorney

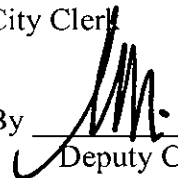
CC No. 3000016166

Doc. No. 3412582

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 31 2023

DIANA J.S. FUENTES  
City Clerk

By

  
Deputy City Clerk

Approved:

11/5/23

(date)

  
TODD GLORIA, Mayor

Vetoed:

(date)

TODD GLORIA, Mayor

The City of San Diego  
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000016166  
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: \$70,000.00

Purpose: Settlement of Felix Gutierrez Perez v. City of San Diego, United States District Court No. 22-cv-0712-BEN-DDL, Claim No. 26195

Date: October 4, 2023

Lauren Rehkopf *Lauren Rehkopf*

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	720045	NON-PROGRAM		OTHR-00000000-GG	512006	1515	1515000011		\$70,000.00
TOTAL AMOUNT									\$70,000.00

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: \_\_\_\_\_

Vendor: \_\_\_\_\_

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 ☐

CC 3000016166

Passed by the Council of The City of San Diego on OCT 31 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 06 2023.

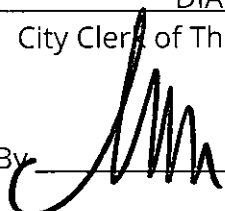
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **315181**