

106 3-18-25

(R-2025-421)

RESOLUTION NUMBER R- **316120**

DATE OF FINAL PASSAGE **MAR 25 2025**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN KURT HEITMANN AND BITA HEITMANN, AND THE CITY OF SAN DIEGO

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. On November 13, 2019, Plaintiffs, Kurt Heitmann and Bita Heitman filed suit in San Diego Superior Court against the City of San Diego. The suit is entitled *Kurt Heitmann et al. v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2019-00060502-CU-PO-CTL and was consolidated into *Miguel Angel Pizarro, et al. v. City of San Diego, et al.* San Diego Superior Court Case No. 37-2019-00039360-CU-PA-CTL (Litigation).

B. In closed session on December 11, 2023, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 5, 6, 7, 8 and 9; Nays, None; and Absent, Districts 4; authorized settlement of the Litigation for in exchange for revisions to the applicable San Diego Police Department Procedure and an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement and Release Agreement.


ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. Authorizes the Mayor or his designee to pay the sum of \$500,000.00 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 Chief Financial Officer to appropriate and expend an amount not to exceed \$500,000.00 from Public Liability Fund No. 720045, for the purpose of settling this Litigation.

APPROVED: HEATHER FERBERT, City Attorney

By 
Stacy J. Plotkin-Wolff
Senior Chief Deputy City Attorney

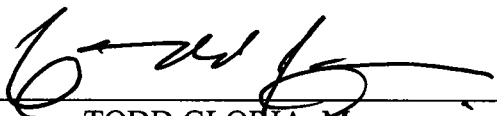
SJP:mgm
March 14, 2025
Or. Dept: City Attorney
CC No.
Doc. No. 3967263

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on MAR 18 2025.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 3/21/25
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000017578
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: \$500,000.00

Purpose: Settlement of Kurt Heitmann, et al. v. City of San Diego, et al., San Diego Superior Court Case No. 37-2019-00060502 CU-PO-CTL, Claim No. 21367

Date: February 28, 2025

By: 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		\$500,000.00
TOTAL AMOUNT									\$500,000.00

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

Passed by the Council of The City of San Diego on MAR 18 2025, 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"/>
Henry Foster, III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 MAR 25 2025

(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 Linda Irwin, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- **316120**