

104
9/11

000149

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUM (FOR AUDITOR'S USE)
AC 2800127

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT): RISK MANAGEMENT

July 16, 2007

4. SUBJECT: **SETTLEMENT OF PROPERTY DAMAGE CLAIM OF JAMES & LISA THOMAS**
RISK MANAGEMENT FILE #: LP07-7773-1762

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)
Leroy Hostetler (619) 236-6619 MS #51-B

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	41506			
DEPT.	773			
ORGANIZATION	170			
OBJECT ACCOUNT	4824			
JOB ORDER	001707			
C.I.P. NUMBER				
AMOUNT	\$65,218.12			

9. ADDITIONAL INFORMATION / ESTIMATED COST:
\$ 45,406.17 - Previously Paid
65,218.12 - Outstanding
\$110,624.29 - Total Settlement

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>	7-17-07	8	DEPUTY CHIEF		8/7/07
2	MWWD	<i>[Signature]</i>	7/26/07	9	COO	<i>[Signature]</i>	
3	AUDITOR	<i>[Signature]</i>	8/16/07	10	CITY ATTORNEY	<i>[Signature]</i>	8-21-07
4	FINANCIAL MGMT	<i>[Signature]</i>	8/13/07	11	ORIGINATING DEPARTMENT	<i>[Signature]</i>	7-17-07
5	LIAISON OFFICE	<i>[Signature]</i>	8/7/07	DOCKET COORD: <i>[Signature]</i>		COUNCIL LIAISON: <i>[Signature]</i>	
6				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPDS <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: 9/11/07			
7							

11. PREPARATION OF: RESOLUTION(S) ORDINANCE(S) AGREEMENT(S) DEED(S)

1. Authorizing the Mayor to pay the sum of \$65,218.12 in settlement of each and every claim against the City, its agents and employees, resulting from the Property Damage Claim to Jim & Lisa Thomas.
2. Authorizing the City Auditor and Comptroller to issue one check in the amount of \$65,218.12 made payable to James & Lisa Thomas & Sandpatch, LLC.

11A. STAFF RECOMMENDATIONS:
Approve the resolution

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): 1

COMMUNITY AREA(S): NONE

ENVIRONMENTAL IMPACT: NONE

HOUSING IMPACT: This activity is not a project and therefore exempt from CEQA pursuant to the State Guidelines Section 15060(c) (3).

OTHER ISSUES: NONE

000151

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: July 16, 2007 REPORT NO:
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Risk Management
SUBJECT: Settlement of Property Damage Claim of James & Lisa
Thomas
City File #: LP07-7773-1762
COUNCIL DISTRICT(S): 1
CONTACT/PHONE NUMBER: Leroy Hostetler (619) 236-6619

REQUESTED ACTION: Authorizing the Mayor and City Council to pay the total sum of \$65,218.12 in settlement of each and every claim against the City, its agents and employees, resulting from property damage claim of James & Lisa Thomas.

STAFF RECOMMENDATION: Approve the resolution

EXECUTIVE SUMMARY: The proposed settlement would resolve all claims brought by James & Lisa Thomas.

FISCAL CONSIDERATIONS: Settlement will be paid from the MWWO Operating Fund

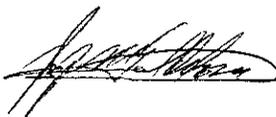
PREVIOUS COUNCIL and/or COMMITTEE ACTION: This item was heard in closed session on July 23, 2007 the City Council approved the settlement amount of \$65,218.12. City Council voted 6 to 0 to approve. The motion was made by Councilmember Madaffer and seconded by Councilmember Hueso. Councilmembers Young and Maienschein were absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A



Originating Department



Deputy Chief/Chief Operating Officer

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

000153

CERTIFICATE OF UNALLOTTED BALANCE
ORIGINATING

AC 2800127
 DEPT. NO.: 773

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: August 16, 2007

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	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: \$67,550.41

Vendor: James & Lisa Thomas and Sandpatch, LLC

Authorizing the expenditure of funds for the property damage claim of James and Lisa Thomas.

Date: August 16, 2007 By: *L. Santa*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	41506	773	170	4824	1707				\$65,218.12
TOTAL										\$65,218.12

FUND OVERRIDE

AC 2800127

000155

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION APPROVING AND FUNDING THE
SETTLEMENT OF PROPERTY DAMAGE CLAIM BY
JAMES THOMAS AND LISA THOMAS, D.B.A. SANDPATCH
LLC

WHEREAS, on March 2, 2007, a duplex owned by James Thomas and Lisa Thomas, d.b.a., Sandpatch, LLC, located at 2220 and 2222 Calle Frescota, was damaged by flooding which occurred as the result of a sewer backup.

WHEREAS, the City of San Diego, James Thomas and Lisa Thomas, now desire to resolve and settle all claims relating to the property damage; and

WHEREAS, the City in closed session on July 23, 2007, authorized settlement of the claims for an amount consistent with the amounts set forth below, NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Mayor is authorized to pay the sum of \$65,218.12 in settlement of each and every claim against the City, its agents and employees, resulting from the Property Damage Claim of James and Lisa Thomas.
2. That the City Auditor and Comptroller is authorized to issue one check in the amount of \$65,218.12, made payable to James Thomas and Lisa Thomas, d.b.a. Sandpatch, LLC.

000156

(R-2008-150)

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Christine Fitzgerald
Christine M. Fitzgerald
Chief Deputy City Attorney

CMF:ms
Aug. 21, 2007
Audit. Cert.: AC2800127
Or.Dept: Risk Management
R-2008-150

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor