



Office of the City Manager

CONSENT CALENDAR

December 13, 2005

To: Honorable Mayor and  
Members of the City Council  
From: *PK* Phil Kamlarz, City Manager  
Submitted by: Zach Cowan, Assistant City Attorney  
Subject: Francesca Barsamian v. City of Berkeley

RECOMMENDATION

Adopt a Resolution approving the settlement of the Alameda County Superior Court Action No. RG 04165815 entitled Francesca Barsamian v. City of Berkeley in the amount of \$50,000.

FISCAL IMPACTS OF RECOMMENDATION

The City will spend \$50,000 from the Public Liability Fund. Council approval is required for settlements exceeding \$15,000. (BMC section 7.12.020.)

Public Liability Fund (Fund Number 881) \$50,000

CURRENT SITUATION AND ITS EFFECTS

There is a pending lawsuit seeking damages.

BACKGROUND

This lawsuit arises from personal injuries sustained as a result of a motor vehicle accident on November 4, 2003 allegedly caused by a dangerous intersection located at Euclid and Keith Avenues in Berkeley.

RATIONALE FOR RECOMMENDATION

The Council has already received a confidential memorandum reflecting the City Attorney's advice regarding this matter.

ALTERNATIVE ACTIONS CONSIDERED

These issues are discussed in the Confidential Memorandum to the Mayor and Council.

CONTACT PERSON

Michael K. Woo, Deputy City Attorney 981-6950

Attachment:

1: Resolution

RESOLUTION NO. ##,###-N.S.

AUTHORIZING THE CITY ATTORNEY TO SETTLE PUBLIC LIABILITY LAWSUIT IN THE MATTER OF FRANCESCA BARSAMIAN V. SALLY WRIGHT, ET AL., ALAMEDA COUNTY SUPERIOR COURT, ACTION NO. RG04165815

WHEREAS, a public liability lawsuit has been filed in the Alameda County Superior Court, Action No. RG04165815 against the City of Berkeley by Francesca Barsamian arising from personal injuries allegedly sustained at the intersection of Euclid and Keith Avenues on November 4, 2003; and

WHEREAS, plaintiff in the above-entitled lawsuit alleges that she has sustained personal injuries as a direct result of an accident at the intersection identified above; and

WHEREAS, it is in the best interests of the City of Berkeley to settle this lawsuit, and a settlement figure of \$50,000 has been reached by the City Attorney, plaintiff's attorney and plaintiff; and

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Attorney, in accordance with Section 7.12.020 of the Berkeley Municipal Code, to settle this matter by a payment of \$50,000 from the Public Liability Fund (Fund Number 881), to plaintiff Francesca Barsamian and George V. Choulos, her attorney of record, in settlement of the claim against the City as alleged in the above-entitled lawsuit.