



Office of the City Manager

CONSENT CALENDAR  
JUNE 28, 2016

To: Honorable Mayor and Members of the City Council  
From: *DWR* Dee Williams-Ridley, City Manager  
Submitted by: Zach Cowan, City Attorney  
Subject: Settlement of John David Glenn and Karen Fogerstrom Claim;  
Claim Number: 0011BC2016

RECOMMENDATION

Adopt a Resolution authorizing settlement of the claim of John David Glenn and Karen Fogerstrom in the amount of \$150,339.

FISCAL IMPACTS OF RECOMMENDATION

This settlement will cost \$150,339 from the public liability fund (881-1702-410-8101).

CURRENT SITUATION AND ITS EFFECTS

This matter is not in litigation, a claim has been presented to the City. For further details, see the confidential memo.

BACKGROUND

This claim arises from an accident on January 11, 2016 in which a City garbage truck came onto the claimant's property, causing substantial damage to the yard, front deck, customized landscaping and other property, including knocking down a tree that fell into and caused damage to the house. Claimants seek compensation for the cost of restoring their property to its prior condition.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

See the confidential memo.

ALTERNATIVE ACTIONS CONSIDERED

See the confidential memo.

CONTACT PERSON

Zach Cowan, City Attorney, 981-6998  
Rachel Chatman, Deputy City Attorney, 981-6998

Attachments:  
1: Resolution

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

AUTHORIZING THE CITY ATTORNEY TO SETTLE PUBLIC LIABILITY OF JOHN  
DAVID GLENN AND KAREN FOGERSTROM, CLAIM NUMBER 0011BC2016

WHEREAS, a public liability claim has been filed against the City of Berkeley on January 15, 2016 by John David Glenn and Karen Fogerstrom arising from an incident at 90 Parnassus Road, Berkeley, CA 94708; and

WHEREAS, claimants allege that they have sustained damages to real and personal property as a direct result of said incident; and

WHEREAS, it is in the best interest of the City of Berkeley to settle this claim for \$150,339.

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 \$150,339 to claimant John David Glenn for settlement of the above-entitled claim.