



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

C-5

ROBERT E. SHANNON  
City Attorney

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Dominic Holzhaus  
Anne C. Lattime  
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C. Geoffrey Allred  
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Amy R. Burton  
Kendra L. Carney  
Christina L. Checel  
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Barbara J. McTigue  
Barry M. Meyers  
Cristyl Meyers  
Howard D. Russell  
Tiffani L. Shin  
Linda Trang  
Theodore B. Zinger

January 22, 2013

HONORABLE MAYOR AND CITY COUNCILMEMBERS  
City of Long Beach  
California

**RECOMMENDATION:**

Recommendation to authorize City Attorney to pay sum of \$6,000 in full and final resolution of the lawsuit entitled *SCE v. COLB, et al.*

**DISCUSSION:**

A Long Beach Refuse truck was backing in the narrow East/West alley north of 2<sup>nd</sup> Street, near Newport Avenue at less than 5 mph. The driver backed down the alley and impacted a SCE utility pole at the corner of Newport Avenue and the alley. Liability will be based on violation of 22106 VC (Unsafe backing).

SCE seeks reimbursement for property damage to the power pole in the total amount of \$6,470.99. SCE has provided an itemized damages summary, which was calculated pursuant to Cal. Public Utilities Code section 7952. Following settlement discussions with Plaintiff's counsel, Plaintiff has agreed to accept \$6,000 as full settlement of this case.

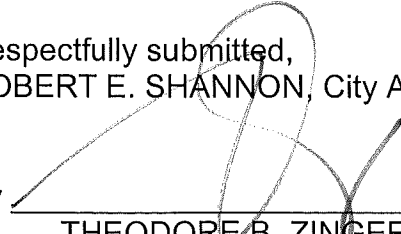
The proposed settlement was presented to the Economic Development and Finance Committee on January 8, 2013 and was approved on that date. We therefore ask authority to pay the sum of \$6,000 in full settlement of this claim against the City of Long Beach.

**SUGGESTED ACTION:**

Approve recommendation.

Respectfully submitted,  
ROBERT E. SHANNON, City Attorney

By

  
THEODORE B. ZINGER, Deputy



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January 22, 2013

HONORABLE MAYOR AND CITY COUNCILMEMBERS  
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**RECOMMENDATION:**

Recommendation to authorize City Attorney to pay sum of \$73,000 in full and final resolution of the lawsuit entitled *Greenwald v. COLB, et al.*

**DISCUSSION:**

While maneuvering a refuse truck in the alley attempting to enter Roycroft Avenue near the 4600 block of Ocean Blvd., a city employee backed into a fire hydrant, shearing the hydrant off its base causing a geyser of water to free flow for about 30 minutes until the Fire Department was able to stop the flow of water. In the meantime, water poured onto the rooftop and into Plaintiff's three unit complex on the corner. Liability in this matter is undisputed.

Plaintiff provided an itemized damages summary and seeks reimbursement for the cost of remediation and restoration of the property, lost rental income and other miscellaneous expenses in the sum of \$79,695. Following settlement discussions with Plaintiff's counsel, Plaintiff has agreed to accept \$73,000 as full settlement of this case.

The proposed settlement was presented to the Economic Development and Finance Committee on January 8, 2013 and was approved on that date. We therefore ask authority to pay the sum of \$73,000 in full settlement of this claim against the City of Long Beach.

**SUGGESTED ACTION:**

Approve recommendation.

Respectfully submitted,  
ROBERT E. SHANNON, City Attorney

By

THEODORE B. ZINGER, Deputy