



# STAFF REPORT

## CITY of YORBA LINDA

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### ADMINISTRATION DEPARTMENT

**DATE:** JANUARY 17, 2023

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** MARK A. PULONE, CITY MANAGER  
**PREPARED BY:** MARK K. AALDERS, ASSISTANT TO THE CITY MANAGER

**SUBJECT:** DENIAL OF CLAIMS FOR DAMAGES

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### RECOMMENDATION

It is recommended that the City Council of the City of Yorba Linda deny the claims for damages by Arthur Boing and Kyle Wong.

### BACKGROUND

Claims for damages filed against the City are reviewed and investigated by City staff and a third-party claims administrator with the George Hills Company. George Hills Company specializes in claims management and risk management services. These services are provided through the City's contract membership in the California Insurance Pool Authority. Staff makes recommendations to the Council for settlement or denial based on the investigatory findings. A claimant's failure to provide evidence of and/or supporting documents to substantiate the claim for damages will also result in a recommendation for denial of the claim.

### DISCUSSION

The following claims for damages have been recommended for denial based on the investigations by City staff and the third-party claims administrator. Further details for each claim are available upon request.

#### Arthur Boing

The claimant alleges that while walking northbound on Lakeview Avenue (south of Altrudy Way) that he sprained his ankle when attempting to navigate a driveway approach which leads down to a private underground parking garage. The claimant notes that it was dark (approximately 8:20pm) and the nearby streetlight was blocked by a private property tree.

Staff performed a site visit, reviewed documents pertaining to the driveway approach and determined the following:

## **DENIAL OF CLAIMS FOR DAMAGES**

Page | 2

- This is a driveway approach to the subterranean garage for the Lakeview Office Park at 4676 Lakeview Avenue.
- It was constructed in the late 1980's or early 1990's and has been in this condition since its original installation.
- There was no existing "dangerous condition" in the design of the driveway approach or sidewalk.
- A pedestrian should be able to reasonably navigate the driveway approach safely.

Therefore, the third-party claims administrator and City staff recommend denying the claim.

Kyle Wong

The claimant is filing for statutory damages under the Unruh Civil Code 51 and lack of compliance with The Americans with Disability Act (ADA) for allegedly being unable to pass on a sidewalk due to unmaintained pavement issues and cracks at 19153 Yorba Linda Boulevard. The third-party administrator, City Attorney and City staff reviewed information pertaining to the case and recommend denying the claim.

### **FISCAL IMPACT**

None

### **ALTERNATIVES**

As an alternative to staff's recommendations for the claims, the City Council has the following options:

1. Accept liability for the claims and pay the amount specified in the claim forms.
  2. Grant settlement authority up to a certain amount and direct the claims adjuster to enter into settlement negotiations with the claimants.
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