

REPORT TO CITY COUNCIL

Approved by:

Wendy Silva

Department Director

Arnoldo Rodriguez

Arnoldo Rodriguez, City Manager

Council Meeting of: July 3, 2019

Agenda Number: B-7

SUBJECT:

Consideration of a Minute Order Rejecting a Claim filed by Beatrice Wons

RECOMMENDATION:

It is recommended Council reject the claim filed by Beatrice Wons. The City will send a rejection notice to Ms. Wons.

SUMMARY:

A claim was filed on May 29, 2019, by Ms. Wons. The claimant is alleging that a pothole on Lake Street and Ellis Street caused the rim on her tire to bend and also ruin her tire. Ms. Wons submitted with her claim estimates from Nissan of Fresno in the amount of \$565.17 and American Tire Depot in the amount of \$530.18.

DISCUSSION:

The claimant alleges that on May 23, 2019, she was traveling on Lake Street just north of Ellis Street when she ran into a pothole. The pothole damaged her front passenger rim and tire. Ms. Wons is seeking between \$530.18 and \$565.17 in damages from the City for tire and rim replacement. This is based upon repair estimates from Nissan of Fresno and American Tire Depot.

The City did not receive any prior notice and/or complaints with regard to the subject pothole, and placed the pothole on their permanent asphalt patch list following the incident of May 23, 2019. Therefore, the City of Madera would have no liability exposure for the claimant's damages under the Government Code. The Government Code provides that in order for a public entity to be held liable for damages, the public entity must have active or constructive notice of the condition requiring repair, as well as a reasonable time period to address the condition.

As such, Suzanne Johnson, AIMS, has recommended the claim be rejected. Staff concurs with her recommendation.

FINANCIAL IMPACT:

Rejection of a claim filed under the tort claim statute does not cause an immediate financial impact. Rejection begins the time period during which a claimant can enter into settlement discussions or decide to file an action with the Court.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Rejection of claims filed under Government Code §910 is not addressed in the Vision or Action Plan; the requested action is also not in conflict with any of the actions or goals contained in that plan.

ALTERNATIVES:

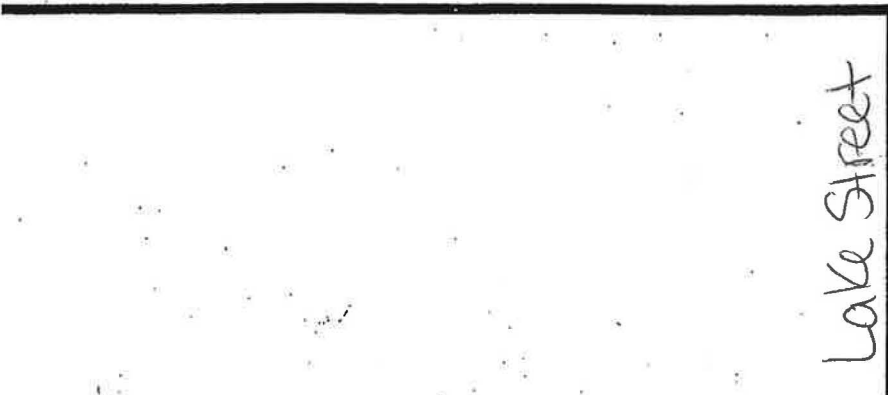
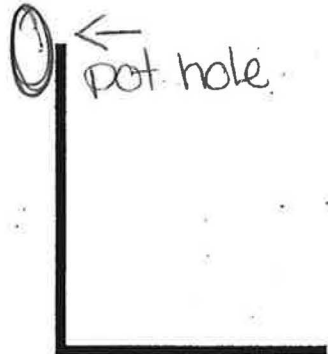
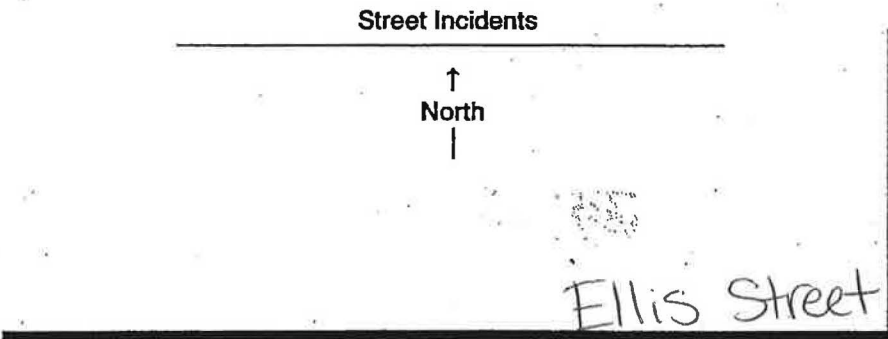
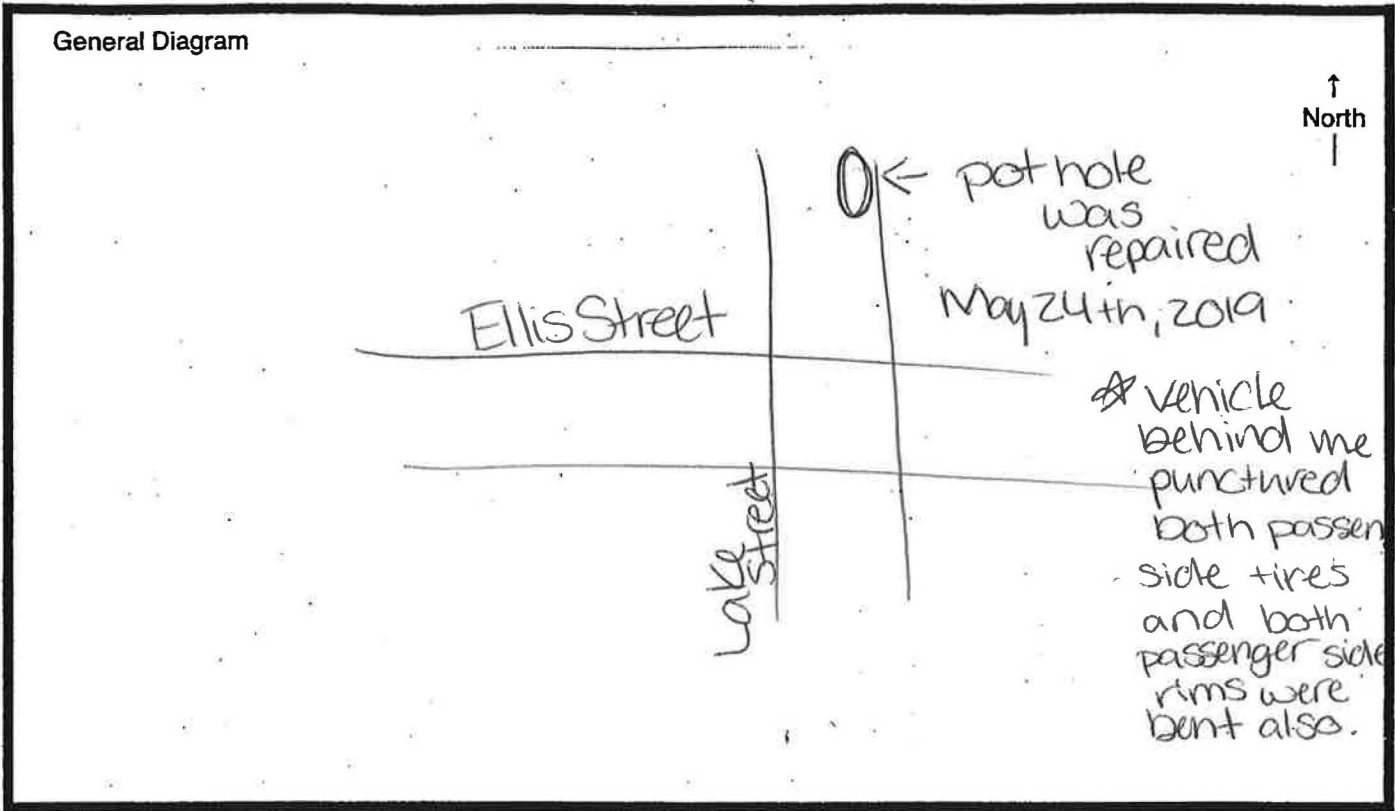
If Council does not take action to formally reject the claim, the claim will be rejected by operation of law.

ATTACHMENTS:

1. Claim Form
2. Estimates
3. Photos

* I need OEM Rim for vehicle im in a lease.

DIAGRAMS



American Tire Depot Madera
200 South D Street
MADERA, CA 93638
(559)661-8400

Customer ID: 0075005768
Name: BEATRICE WONS
Address: 11493 RD 33 1/2
Address 2:
City,State,Zip Code: MADERA, CA, 93638
Home Phone: (559) 718-9942
Work Phone: (559) 395-4728
Other Phone: () -
Tax Exempt #:

Year: 16
Make: NISSAN
Model: SENTRA
Lic No: 7VLA104
VIN: 3N1AB7AP9GY319242
Color:
Engine: 1.8L I4 F DO
Mileage In: 0
Mileage Out: 0

Create Date: 05/29/19 12:31:05
Date/Time: 05/29/19 00:00:00
Work Order #: 38243
Invoice #:
Email Address: lauraphone#
PO Number:
Fleet/Wholesale: N
EPA #: CAL000370790
BAR #: ARD00268083

Salesperson: A. RAMIREZ
Service comments:

Tire Information

TIRE PRESSURE: LF __ RF __ LR __ RR __ SPARE __
TREAD DEPTH: LF __/32 RF __/32 LR __/32 RR __/32 SPARE __/32
BRAKE PAD THICKNESS: LF __ RF __ LR __ RR __

Qty.	Part #	RFR	Loc	Description	Parts	Labor	Total
Tire Inflation: Not Available Torque: Not Available							
1	92638			205/55R16 MICH 91H DEFENDR T+H MICH 205/55R16 H BSW	132.00	0.00	132.00
1	TRF			CALIFORNIA TIRE RECYCLE FEE	1.75	0.00	1.75
1	MB			MOUNT BALANCE TIRE & WEIGHTS	2.99	15.00	17.99
1	TDF			TIRE DISPOSAL FEE	2.99	0.00	2.99
1	VS			VALVE STEM	2.99	0.00	2.99
1	*WHEEL			O.E WHEEL	241.00	0.00	241.00
1	4WA			4 WHEEL ADJUSTABLE ALIGNMENT CORRECT AND ADJUST ALL O.E. ADJUSTABLE FRONT AND REAR ALIGNMENT ANGLES. WARRANTY 3 MONTHS / 3,000 MILES WHICH EVER OCCURS FIRST	0.00	99.95	99.95

*** Customer Wishes To Discard Old Parts ***

I GRANT AMERICAN TIRE DEPOT PERMISSION TO OPERATE THE VEHICLE HEREIN DESCRIBED FOR THE PURPOSE OF TESTING, INSPECTING, INCLUDES REMOVAL OF WHEELS AND DRUMS FOR THE PURPOSE OF INSPECTING THE BRAKES, SERVICING OR DELIVERY. I RELEASE AMERICAN TIRE DEPOT FROM RESPONSIBILITY FOR LOSS OR DAMAGE TO VEHICLE OR CONTENTS THEREIN, IN CASE OF FIRE, THEFT OR OTHER CAUSE BEYOND AMERICAN TIRE DEPOTS CONTROL. I AUTHORIZE THE REPAIR AND SERVICE WORK LISTED ON THIS WORK ORDER TO BE PERFORMED FOR THE AMOUNT SHOWN BELOW. OLD PARTS WILL NOT BE RETURNED UNLESS I SPECIFY. ****ALL PARTS ARE NEW UNLESS OTHERWISE SPECIFIED** CUSTOMER SIGNATURE:

X _____

TECH:

PARTS TOTAL 383.72
 SALES TAX 31.51
 LABOR TOTAL 114.95
 GRAND TOTAL 530.18









Eric Taylor

Parts Manager Lithia Nissan , Genesis , and Hyundai of Fresno .

Main 559-435-3500 Cell 559-351-2819 Email; Etaylor@lithia.com

Message Parts/QNF x

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QNF-I INVOICE QUOTE (I) et5991 4219

Number: Q271653
 Cust: 98
 Name: CASH RETAIL
 Addr:
 C/S/Z:
 Phone:
 Emp: 5991
 Via:

Invoices:
 Zone:
 Sale Type: CASH
 Price Code: 9
 Salesperson:

Parts: 523.43
 Fees: 0.00
 Freight: 0.00
 Tax: 41.74
 Total: 565.17
 Backorder: 0.00

PO:

Primary	Order	Price	Local	Locate						
PART-NO.	DESC	O.H.	Q.S.	MNS	BIN	PRICE8	LIST	SALE	GPP	
40300-3SJOE	WHEEL ASS	1	1		279	273.10	241.68	241.68	40.0	
TBILL-05076	MICHELIN	0	1	0	SPN	172.89	153.00	153.00	22.2	
	INSTALL TIRE		1				18.80	18.80	0.0	
	ALIGNMENT 4 WHEEL		1			124.24	109.95	109.95	0.0	

<Expanded> <Page 1 of 1> <4 parts>

PART NO.

Enter a part number, or multiple part numbers separated by spaces

F1=Help F3=Save F4=Cancel F9=Veh/Cust Dtl F12=Search SF11=>

Connected: nullmod Auto-Name 130614 5292019 J1.00

Advanced Elite 1.00

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