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2017 NOV 21 AM 11:34

CITY CLERK'S OFFICE
MANHATTAN BEACH, CA

November 17, 2017

City of Manhattan Beach
1400 Highland
Manhattan Beach, CA 90266

Subject: **Request for Approval of Late Claim**

**Attention: City Attorney
City Clerk**

In accordance with Section 911.6 of the California Government Code, we are hereby re-submitting claim request for your consideration, having received denial from your consultant just yesterday..

Please be advised that even though the loss date on the original claim was February 2017, we continue to have damages from the water tower as recent as November 2017. If you like, we can resubmit a claim under a revised and more recent date, since the problem with the water tower is on-going.

Our delay with the original submittal was due to understanding that the City was going to fix the problem; however, when we realized no fix was forthcoming our claim was then considered as "late". Consequently, the City has two options: consider this "late" request, or we can submit a new one with recently occurred damages. And...we would suggest that the City fix the water tower problem so that future claims don't arise.

By the way, the largest portion of the claim was for property damage, which falls well within the time limits of the CA Government Code. (Basis for rejection from your AdminSure consultant referred only to the veterinarian bill submitted for our dog.)

Respectfully Submitted,



Bruce & Pamela Kuch





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CITY CLERK'S OFFICE
MANHATTAN BEACH, CA

3380 Shelby Street
Ontario, CA 91764

Telephone (909)861-0816
Fax (909)860-3095
www.admisure.com

RETURN OF UNTIMELY CLAIM

November 15, 2017

Bruce Kuch


| | | |
|------------|------------------|-------------------------|
| Reference: | Our Principal: | City of Manhattan Beach |
| | Loss Date: | February 2017 |
| | Claim Made: | 11/03/2017 |
| | Claimant: | Kuch, Bruce |
| | Our File Number: | 17-133003 |

Dear Mr. Kuch:

We are the Third Party Administrator and handle the liability claims for the City of Manhattan Beach.

The claim you presented to the City of Manhattan Beach on 11/03/2017, related to injury to your dog, is being returned because it was not presented within six (6) months after the date of occurrence as required by law. See Section 901 and 911.2 of the California Government Code. Because the claim was not presented within the time allowed by law, no action will be taken on this claim.

Your only recourse at this time is to apply, without delay, to the City of Manhattan Beach for leave to present a late claim. See Sections 911.4 to 912.2 inclusive, and Section 946.6 of the California Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the California Government Code.

You may seek the advice of an attorney of your choice in connection of this matter. If you desire to consult with an attorney, you should do so immediately.

That portion of the claim that relates to damage to real property is timely and it is being reviewed at this time.

Sincerely,



John McCormack
Claims Administrator
(909)396-5827

Enc.: Claim form submitted by Bruce Kuch

cc: City of Manhattan Beach

RECEIVED

CLAIMANT INFORMATION

2017 NOV -6 PM 3: 44

CITY CLERK'S OFFICE
MANHATTAN BEACH, CA

1. Name: Bruce Kuch 1a. Aliases: _____
2. DOB: [REDACTED] 2a. DL#: [REDACTED]
3. Home Telephone: [REDACTED] 3a. Business Telephone: retired
4. SS# (Optional): _____
5. Home Address (including city, state & zip): [REDACTED]
[REDACTED]
[REDACTED]
- 5a. Business Address (including city, state & zip): _____

- 5b. Mail notices to (please circle one): ☒ Home ☐ Business ☐ Other
- 5c. If you circled "other" in line 5b above, please provide address: _____

DAMAGE OR INJURY INFORMATION

6. When did damage or injury occur? Date: month of February 24-7 Time: _____
7. If claim is for equitable indemnity, please give the date the claimant was served with the complaint: Date: _____
8. Where did damage or injury occur? (Describe fully and locate on the attached diagram, if appropriate.): property at [REDACTED]
9. Give a detailed description of how the damage or injury occurred:
paint chips from the water tower:
in pool, in yard, ingested by dog
10. If the basis of liability is alleged to be an act or omission of a City officer or employee, complete the following:
- a. Name of such officer or employee, if known: Public Works
- b. Claimant's statement of the basis for such liability:
maintenance of water tower
11. If the basis of liability is alleged to be a dangerous condition of public property, complete the following:
- a. Public property alleged to be dangerous: water tower 8th St + Rowell
- b. Claimant's statement of the basis for such liability: see attached
12. Give a description of the injury, property damage or loss, so far as is known at the time of this claim. (If there were no injuries, state "No injuries."):
injury to dog
13. Name and address of any other person injured: _____

14. Name and address of the owner of any damaged property: Bruce Kuch
11301 CA 90766

15. Amount claimed as of this date: \$ 134.20

16. Estimated amount of future costs: \$ 400.00

17. Total amount claimed: \$ 534.20

18. Basis for computation of amount claimed (include copies of all bills, invoices, estimates, etc.):

pool filtering & chemical treatment ⁽⁵⁾ attached ⁽⁶⁾

19. Jurisdiction : You must represent whether the claim is (check one):

X 19a. a "limited civil case" (amount does not exceed \$10,000 or exceeds \$10,000 but does not exceed \$25,000) [see Government Code 910(f)].

19b. an "unlimited civil case" (amount exceeds \$25,000).

20. Damaged vehicle (if applicable):

20a. Year: NA
20b. Make: _____
20c. Model: _____
20d. VIN #: _____
20e. Mileage: _____

21. Names and addresses of witnesses, doctors, and hospitals:

Witness: Pamela Kuch
Witness: _____
Witness: _____

Doctor: Dr. Steven Liebel, veterinarian PCH Hermosa Beach
Doctor: Animal Hospital
Doctor: _____

Hospital: Hermosa Animal Hospital
Hospital: _____
Hospital: _____

22. attachments: letter to City 2-22-17
email to City 3-7-17
email from City 3-9-17
bill from hospital 2-27-17

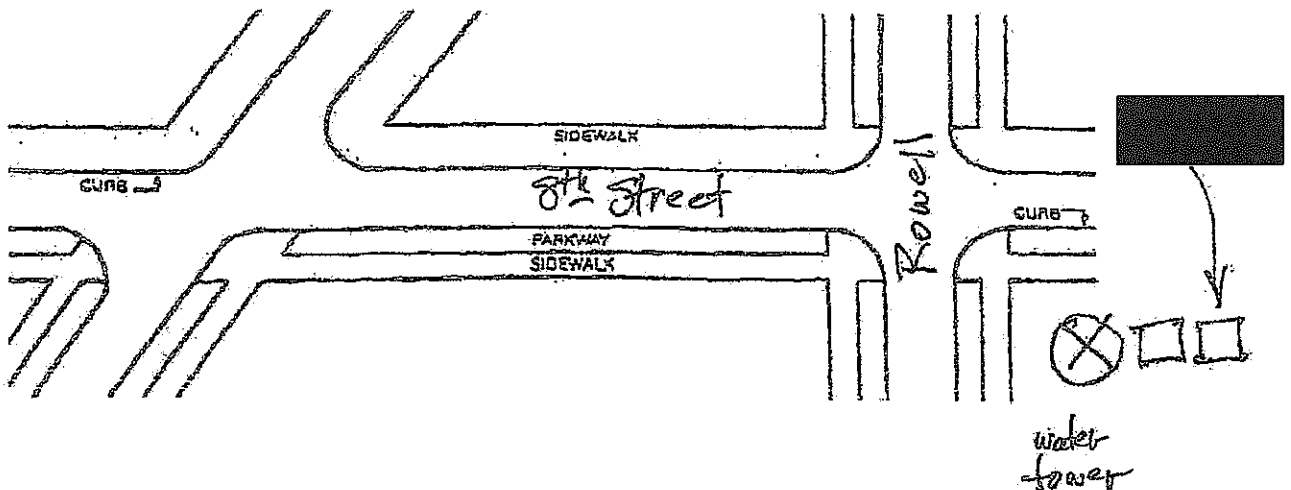
Rev. 06/05

READ CAREFULLY

For all accident claims, place on the following diagram the names of streets, including North, South, East and West; indicate the place of the accident by an "X" and by showing house numbers or distances to street corners.

If a City vehicle was involved, designate by the letter "A" the location of the City vehicle when you first saw it, and "B" as the location of yourself or your vehicle when you first saw the City vehicle. Designate "A-1" as the location of the City vehicle at the time of the accident and "B-1" as the location of your vehicle at the time of the accident. Designate the point of impact as "X."

NOTE: If the diagram below does not fit the situation, sign and date this page, and attach a diagram which appropriately fits your situation.



WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM
(Penal Code 72; Insurance Code 1871.1)

[Signature]
Signature

11-3-17
Date

Rev. 06/05

February 22, 2017

City of Manhattan Beach
1400 Highland Avenue (Pub Wks 3621 Bell Avenue)
Manhattan Beach, CA 90266

Subject: Water Tower at Rowell and 8th Street

Attention: Quinn Barrow, Mark Danaj, Stephanie Katsouleas

For many weeks, our home and yard and pool have been covered with paint chips from the water tower. I entered a request on the City's website nearly two weeks ago and didn't get a call back, nor a visit—only an email stating that "request # 92567 was closed".

This issue is serious and needs your immediate attention. We have a new puppy that has been ingesting these paint chips and we are concerned about his health, notwithstanding contaminants in the pool, yard and house. Please have someone from the City come to see us as soon as possible to survey the issue.

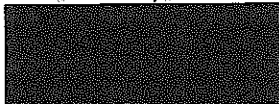
The water tower situation is not a new one for our family and our neighbors. This is just the latest event, covering over twenty years of water tower maintenance issues, including painting & sandblasting operations that have led to numerous contractor claims and safety issues for our household and neighbors in the vicinity.

When the water tower was last painted, we had thousands of dollars damage to our pool and home. At that time, the City told us to deal directly with the contractors—which we dutifully did and recovered only a portion of our losses, not to mention the countless hours spent tracking down responsible contractors and justifying our damages. I am sympathetic to City issues and volunteer work, having myself served on Planning Commission and numerous City task teams & committees over the years. However, we are not willing to do the City's work again. We believe it is the City's responsibility to manage City contracted work.

Furthermore, a more global assessment needs to be given to water tower maintenance. I understand from previous studies that the water tower is only a backup water source. So why do we continue to throw money on this outdated, structurally unsafe and out-of-code nuisance to the neighborhood? I would hope that there are no future plans to paint or keep the water tower operational. It is a safety hazard and needs to be demolished. The pump systems and on-grade storage units already provide enough capacity for City water service.

Respectfully,

Bruce Kuch, PE



11/08/2017

Gmail

Bruce Kuch <bpkuch@gmail.com>

Your correspondence dated February 22, 2017, re Water Tower at Rowell and 8th Street

Bruce Kuch <bpkuch@gmail.com>

Tue, Mar 7, 2017 at 1:37 PM

To: "Quinn M. Barrow" <QBarrow@rwglaw.com>

Cc: "Stephanie Katsouleas, P. E." <skatsouleas@citymb.info>, sigle@citymb.info, mdanaj@citymb.info

Quinn,

Just so you know, I have gotten a call back from Shawn Igle (Public Works, sp?) a few days ago, but no action has followed and there has been no feedback from other City staff. (It has been nearly a month since my initial request to City Manager and Public Works.)

This is what is we need:

1. Assurance that our puppy has not ingested anything harmful. Shawn was going to get contents of the paint but hasn't gotten back to me. By law, this information should be available on MSDS (data sheets) readily retrievable from City files. In the meantime, we have consulted with our pet doctor who has given us directions on how to proceed.
2. Review and recovery of paint chips in our swimming pool, lawn and roof.
3. Review of plans with us and our neighbors for sandblasting and painting of the water tower prior to proceedings with any work. (That being said, we see that work is already progressing without any notice.) This plan needs to be presented and approved in order to avoid any unnecessary claims, as realized the last time that the water tower was painted. I would recommend that contractors performing the work need also be included in a pre-construction commitment.

Thanks for your immediate attention.

Bruce Kuch, PE, LEED-AP, GC



11/08/2017

Gmail

Bruce Kuch <bpkuch@gmail.com>

Elevated Tank Follow-up

1 message

Shawn Igoe <sigoe@citymb.info>

Thu, Mar 9, 2017 at 1:45 PM

To: "bpkuch@gmail.com" <bpkuch@gmail.com>

Good Afternoon,

I wanted to follow-up on our conversation from last week regarding your request on the type of paint used to recoat the elevated tank near your home. Your concern was specific to the lead content in the paint, which it has none. As we discussed, I needed to contact the paint manufacturer on the specific paint that was used, and have attached what they provided. You will find the data sheet and information sheet for your review. You indicated that the veterinarian needed this. Please feel free to pass this along. By no means am I an expert on paint so if you have further questions, I would recommend you and/or your veterinarian contact the manufacturer directly to ensure you receive accurate information. There contact information is on the Info Sheet. However, if there is anything further that I can assist you with, please let me know.

In our discussion you also mentioned that paint chips had fallen in your backyard and into your pool which would like removed. Unfortunately, we cannot conduct work on private property. If you would like to be reimbursed for costs associated with the removal, please feel free to file a claim with the City. The claim form can be obtained from the City Clerk's Office located at 1400 Highland Avenue.

I was also informed that you had some concerns regarding work being conducted on the elevated tank. I can assure you that this work is not related to any recoating. A contractor was hired by the City to install a radio antenna and that is the extent of their work. When the tank is slated for repainting, construction notifications will go out prior to any work to ensure that the surrounding area is properly notified of what is taking place. Being aware of your concerns, the City will do its due diligence to keep people informed.

Thank you

Shawn

Shawn Igoe
Utilities Division Manager

2017-03-09 1:45 PM

2017-03-09 1:45 PM

The logo for the City of Madison, featuring a stylized tree and the text "City of Madison" and "Madison, Wisconsin".

City of Madison
Office Hours: M - Th 7:30AM - 5:30 PM | Alternate Open Fridays 8:00AM - 5:00 PM | Closed Alternate Fridays | Not Applicable to Public Safety

Office Hours: M - Th 7:30AM - 5:30 PM | Alternate Open Fridays 8:00AM - 5:00 PM | Closed Alternate Fridays | Not Applicable to Public Safety

<https://mail.google.com/mail/u/0/?ui=2&ik=75f6e70135&jsver=BNKYf1ymS-0.cn.&vie...> 10/16/2017

11/08/2017

HERNANDEZ ANIMAL HOSPITAL

5 PACIFIC COAST HWY

HERNANDEZ BEACH, CA 90254

02/27/2017

15:48:17

CREDIT CARD

SALE

Card #:

Chip Card:

ATD:

ATC:

TC:

SEQ #:

48

Batch #:

48

INVOICE

48

Approval Code:

Entry Method:

Chip Read

Mode:

Issuer

SALE AMOUNT

\$134.20

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11/08/2017