



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 04/22/2025

REQUESTER: AshLynn Wilkerson, Assistant City Attorney

PRESENTER: AshLynn Wilkerson, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF SPECIAL CLAIM SC-2425-4: SUBMITTED BY ELLAINA PINKERTON IN THE AMOUNT OF \$13,504.65 FOR EXPENSES SHE INCURRED WHEN HER VEHICLE WAS DAMAGED ON AUGUST 1, 2024, AT THE NORMAN POLICE DEPARTMENT PARKING LOT.

BACKGROUND:

A claim was filed by Ellaina Pinkerton for expenses incurred when her vehicle was struck by debris on August 1, 2024, while it was parked at the Norman Police Department (PD) parking lot located at 112 West Daws Street. This is a companion claim to previously filed Special Claims SC-2425-2 for David and Kimberly Grissam, and SC-2425-3 for Faith Richards.

DISCUSSION:

As with Special Claims SC-2425-2 and SC-2425-3, this claim involves the same incident as previously described and restated below:

On Tuesday, July 30, 2024, a Parks Department Manager notified a Police Major that landscaping work would be done on Friday, August 2, and that all vehicles would need to be moved away from the east side of the parking lot behind the PD building. As such, the Police Major notified his staff by email to park away from this area on this day. The PD parking lot was recently repaved and enclosed as part of the Municipal Complex renovation project and this landscaping was to be the final work planned for the lot.

On the Morning of Thursday, August 1, Parks staff arrived at the east side of the PD parking lot and began using string lawn trimmers to cut weeds in the dirt prior to installation of rock the following day, August 2. PD staff were not expecting landscaping work on this day and many had parked on the east side as usual. While Parks staff were working in the area, PD staff noticed small and large debris go airborne and hit their vehicles. Once work stopped, PD staff were able to visually inspect their vehicles and some found they had sustained damage. The Police Major contacted the Parks Manager to inform him of the incident, saved video footage of the east side parking area, and instructed affected PD staff to file tort claims as necessary.

This is the third claim for this incident. Ms. Pinkerton submitted two (2) estimates to repair exterior damage to her 2019 Nissan Altima sedan, with the lowest estimate being \$11,704.65. As in the Grissam and Richards claims, damage was sustained to all sides of the vehicle because dirt work occurred on both sides of the vehicle. Research of this vehicle estimates the average value to be \$12,143.

Reimbursement of rental car fees is also requested during the time the vehicle is expected to be in the repair shop. The rental is priced at about \$60 per day for roughly 30 days to repair for a total of \$1,800. This amount is almost identical to the amount stated in the Grissam claim.

The repair estimate and rental car estimate together brings Ms. Pinkerton's total claim amount to \$13,504.65. The estimated value of the vehicle is almost the same amount of this claim, making the total amount of the claim reasonable. The City Attorney's Office now presents this item to City Council for consideration.

RECOMMENDATION:

Based on the above and foregoing, it is the recommendation of the City Attorney's Office that the claim of Ellaina Pinkerton, in the total amount of \$13,504.65 as set forth above, be approved. Adequate funds to pay this settlement are available in the Risk Management – Special Claims account (43122351-44718).