

RESOLUTION NO. 210692 MAY 23 1974

WHEREAS, on March 30, 1972, the Council, acting as agent for the San Diego Planetarium Authority, authorized a contract with SPITZ LABORATORIES, INC., in the amount of \$106,100 for a Projection Screen/Dome Structure for use at the San Diego Planetarium which contract provided for a completion date of October 17, 1972, and a copy of said contract is on file in the office of the City Clerk as Document No. 740204; and

WHEREAS, in connection with the performance of said contract, a "Faithful Performance Bond and Labor and Materialmen's Bond," No. 5 57 80 43, was issued by Great American Insurance Company; and

WHEREAS, on August 17, 1972, another contract was executed with SPITZ LABORATORIES, INC., hereinafter referred to as Spitz, in the amount of \$174,000 for a Multimedia Control System (MCS), also for use in the San Diego Planetarium, which contract called for a completion date of March 1, 1973, and a copy of said contract is on file in the office of the City Clerk as Document No. 741555; and

WHEREAS, in connection with the performance of said contract, a "Faithful Performance Bond and Labor and Materialmen's Bond," No. 618 81 22, was issued by Great American Insurance Company; and

WHEREAS, the Projection Screen/Dome Structure is still not complete, does not meet specifications, and is in some degree, deteriorating despite continued and repetitive urging by the City, the San Diego Planetarium Authority and the San Diego Hall of Science personnel; and

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APR 20 1978

WHEREAS, in that the MCS construction remains incomplete and unacceptable on several counts, some of the hardware is either missing or inoperative as intended, and the training and instructional materials are totally absent; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That SPITZ LABORATORIES, INC., Division of McGraw-Hill, is hereby DELCARED TO BE IN DEFAULT of the terms and conditions of the contracts on file in the office of the City Clerk as Document Nos. 740204 and 741555, relating to the Screen/Dome and the Multimedia Control System, both at the San Diego Planetarium.
2. That the City Attorney is hereby authorized and directed to take appropriate legal action against Spitz Laboratories, Inc., and/or Great American Insurance Co., issuer of the contractor's completion bonds, and to demand full and complete specific performance or full and entire compensation for the lack of completion and for damages incurred by the City, the San Diego Planetarium Authority, and the San Diego Hall of Science, contract operator of the San Diego Planetarium.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold Valderhaug, Deputy

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-2-

MICROFILMED

APR 20 1978

210692

MAY 23 1974

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By LaVerno E. Miller, Deputy.

(Seal)

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1974 MAY 15 PM 1:47
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **210692** Adopted **MAY 23 1974**

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