

RESOLUTION NO. 223263

(R-79-1958)

APR 17 1979

WHEREAS, in Executive Session on December 19, 1978, the City Council authorized the settlement in the amount of \$7,000.00 of West-Con Construction Co., Inc. v. City of San Diego, Superior Court No. 372263, a lawsuit for breach of contract; NOW, THEREFORE,

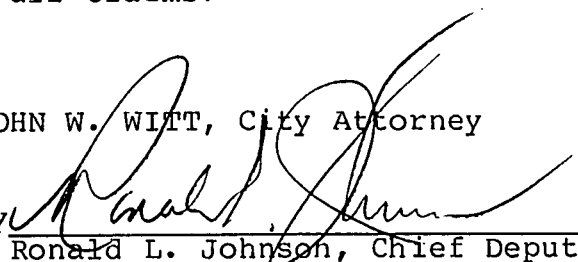
BE IT RESOLVED, by the Council of The City of San Diego as follows:

That the City Manager be and he is hereby authorized and empowered to pay the sum of \$7,000.00 in the settlement of each and every claim against the City of San Diego, its agents and employees resulting from the alleged breach of contract above mentioned.

BE IT FURTHER RESOLVED, that the transfer of \$7,000.00 is hereby authorized from CIP 22-808 Fiesta Island-Utilities, Park & Recreation Bond Fund (725), to CIP 22-024 General Improvements, in order to make funds available to pay \$7,000.00 in the settlement of the above mentioned lawsuit.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue a warrant check in the amount of \$7,000.00, payable from Fund 244, Prog./Elem. 4504, Object 3418, to West-Con Construction Co., Inc. and Hill, Farrer & Burrill, its attorneys, in full settlement of all claims.

APPROVED: JOHN W. WITT, City Attorney

By   
Ronald L. Johnson, Chief Deputy

RLJ/een:Lit.  
4/5/79  
Aud.Ctf. #79568  
Or.Dept.: Park & Rec.

MICROFILMED

02116

# CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

## CERTIFICATION OF UNALLOTTED BALANCE

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ 7,000.00 Fund 725 Park & Recreation Bonds

Purpose Transferring funds from CIP 22-808 Fiesta Island Utilities to CIP 22-024 General Improvements and Authorizing the expenditure of funds for claim settlement

*V. B. Sage*  
Auditor and Comptroller of  
The City of San Diego, Calif.

Date March 30, 1979

By *Steve Hogan*

## CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said moneys now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to exceed \$ 7,000.00

Dated March 30, 1979

*V. B. Sage*  
Auditor and Comptroller of  
The City of San Diego, Calif.

BY *Steve Hogan*  
Job Order  
Resolution No. 220243  
Project No. \_\_\_\_\_

Fund 244 Prog./Elem. 4504 Object 3418

Purpose Settlement of Claim

Vendor WEST CON CONSTRUCTION CO, INC.

MICROFILMED

223263

APR 17 1979

CERTIFICATE NO. 79568

02117

Passed and adopted by the Council of The City of San Diego on APR 17 1979,  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<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.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By Rita Andrews, Deputy.

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Office of the City Clerk, San Diego, California	
Resolution Number	223263
Adopted	APR 17 1979