

(R-88-530)

RESOLUTION NUMBER R- 269351  
ADOPTED ON SEP 28 1987

WHEREAS, on September 17, 1984, The City of San Diego awarded a contract for the performance of landscaping services for the Tierrasanta Open Space Maintenance and Lighting District to Treebeard Landscape Company; and

WHEREAS, Aztec Landscape Company, the low bidder on the project, filed a claim and subsequently a suit against The City of San Diego for violation of City Charter section 94; and

WHEREAS, a settlement was reached between The City of San Diego and Aztec Landscape Company in the amount of \$67,500; and

WHEREAS, in Closed Session on August 11, 1987, the City Council, by the following vote: Yeas, Districts 1, 5, 6, 7 and 8; Nays, District 3; Not Present, District 2 and Mayor O'Connor, approved the settlement; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized and empowered to pay the total sum of \$67,500 in the settlement of each and every claim against The City of San Diego, its agents and employees, Superior Court Case No. 528861, Aztec Landscape Company v. City of San Diego, et al., resulting from alleged loss of profits to Aztec Landscape Company.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$67,500, made payable to Aztec Landscape Company and its

attorney, Scott A. Burdman of the firm of Silldorf, Burdman,  
Duignan & Eisenberg, 1810 State Street, San Diego, CA  
92101-2514, in full settlement of the lawsuit and of all claims,  
said payment to be made from the General Fund 100, Department  
601, Organization 106, Account 4824.

APPROVED: JOHN W. WITT, City Attorney

By   
for Alan L. Geraci, Deputy

JK:ALG:jt:smm:Lit.  
09/16/87  
CORRECTED:09/21/87  
Or.Dept:Risk.Mgmt.  
Aud.Cert:8800251  
R-88-530  
Form=r.none

A-269351

The City of San Diego  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE      AC 8800251

ORIGINATING DEPT NO. 084

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 \$ \_\_\_\_\_ Fund \_\_\_\_\_

Purpose \_\_\_\_\_

Date \_\_\_\_\_, 19\_\_

By: \_\_\_\_\_

AUDITOR AND COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA |       |      |      |      |         |           |                   |            |          |        |
|-----------------|-------|------|------|------|---------|-----------|-------------------|------------|----------|--------|
| ACCTG. LINE     | CY PY | FUND | DEPT | ORG. | ACCOUNT | JOB ORDER | OPERATION ACCOUNT | BENF/EQUIP | FACILITY | AMOUNT |
|                 |       |      |      |      |         |           |                   |            |          |        |
|                 |       |      |      |      |         |           |                   |            |          |        |
|                 |       |      |      |      |         |           |                   |            |          |        |
|                 |       |      |      |      |         |           |                   |            |          |        |
|                 |       |      |      |      |         |           |                   |            |          |        |
| TOTAL AMOUNT    |       |      |      |      |         |           |                   |            |          |        |

FUND OVERRIDE

**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 \$ 67,500.00

Vendor AZTEC LANDSCAPE COMPANY AND THEIR ATTORNEY, SCOTT A BURDMAN

Purpose Authorizing expenditure of funds for settlement of property damage claim

(City File: LP85-0021-1321)

Date September 8, 19 87

By: *Lillian*

AUDITOR AND COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA |       |      |      |      |         |           |                   |            |          |             |
|-----------------|-------|------|------|------|---------|-----------|-------------------|------------|----------|-------------|
| ACCTG. LINE     | CY PY | FUND | DEPT | ORG. | ACCOUNT | JOB ORDER | OPERATION ACCOUNT | BENF/EQUIP | FACILITY | AMOUNT      |
| 1               |       |      | 601  | 106  | 4824    | 060106    |                   |            |          | \$67,500.00 |
|                 |       |      |      |      |         |           |                   |            |          |             |
|                 |       |      |      |      |         |           |                   |            |          |             |
|                 |       |      |      |      |         |           |                   |            |          |             |
| TOTAL AMOUNT    |       |      |      |      |         |           |                   |            |          | \$67,500.00 |

**C O R R E C T I O N**

**T H E F O R E G O I N G**

**D O C U M E N T I S**

**R E P H O T O G R A P H E D**

**T O I N S U R E**

**L E G I B I L I T Y**



CITY OF  
SAN DIEGO  
CITY CLERK

202 C STREET  
San Diego, CA 92101-3860



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SAN DIEGO, CALIF.

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The City of San Diego  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE      AC 8800251

ORIGINATING DEPT NO. 084

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Amount \$ \_\_\_\_\_ Fund \_\_\_\_\_

Purpose \_\_\_\_\_

Date \_\_\_\_\_, 19\_\_\_\_ By: \_\_\_\_\_

AUDITOR AND COMPTROLLER'S DEPARTMENT

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Purpose Authorizing expenditure of funds for settlement of property damage claim

(City File: LP85-0021-1321)

Date September 8, 19 87 By: Lillian

AUDITOR AND COMPTROLLER'S DEPARTMENT

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|                 |       |      |      |      |         |           |                   |            |          |             |
|                 |       |      |      |      |         |           |                   |            |          |             |
| TOTAL AMOUNT    |       |      |      |      |         |           |                   |            |          | \$67,500.00 |

SEP 28 1987

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

| Council Members        | Yeas                                | Nays                     | Not Present              | Ineligible                      |
|------------------------|-------------------------------------|--------------------------|--------------------------|---------------------------------|
| Abbe Wolfsheimer       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>        |
| Bill Cleator           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>        |
| Gloria McColl          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>        |
| District 4             | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> VACANT |
| Ed Struiksma           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>        |
| Mike Gotch             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>        |
| Judy McCarty           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>        |
| Celia Ballesteros      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>        |
| Mayor Maureen O'Connor | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>        |

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

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

By *Rhonda B. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution **A-269351**  
 Number ..... Adopted **SEP 28 1987**