

(R-89-2445)

RESOLUTION NUMBER R- 273704

ADOPTED ON JUN 12 1989

WHEREAS, in Closed Session on May 23, 1989, the City Council, by the following vote: Yeas, Districts 1, 2, 4, 5, 6, and the Mayor; Nays, None; Not Present, Districts 3, 7 and 8;

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


That the City Manager be and he is authorized and empowered to execute, for and on behalf of the City of San Diego, Contract Change Order No. 15, issued in connection with the contract between the CITY OF SAN DIEGO and METRO-YOUNG CONSTRUCTION CO. for the construction of EASTGATE TECHNOLOGY PARK, UNIT I, said contract having been filed in the Office of the City Clerk as Document No. RR-260972, under the terms and conditions set forth in the Settlement and Release Agreement on file in the Office of the City Clerk as Document No. RR-273704;-/

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized and empowered to pay the sum of ONE HUNDRED AND SIXTEEN THOUSAND DOLLARS (\$116,000.00), in consideration of Change Order No. 15 and in settlement of the case, Metro-Young Construction Co. v. City of San Diego, et al., United States District Court Case No. 87-1008 K(BTM);

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to expend the amount of ONE HUNDRED AND SIXTEEN THOUSAND DOLLARS (\$116,000.00) from Fund 30244, C.I.P. No. 39-202.0, payable to Metro-Young Construction

Co. and S. Myron Klarfeld, its attorney of record, as the final payment towards full settlement of any and all claims and conditions under the contract and lawsuit.

APPROVED: John W. Witt, City Attorney

By 
Leslie J. Girard
Deputy City Attorney

LJG:tg:Lit.
06/02/89
Aud.Cert: 8901025
Or.Dept: Risk.Mgmt.
R-89-2445
Form=r.none

See:
RR-273704-2 Change order

R-273704

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 8901026

ORIGINATING DEPT. NO. 045

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 \$ 116,000.00

Vendor Metro-Young Construction Co.

Purpose Authorizing the expenditure of funds for the settlement of lawsuit: Metro-Young Construction Co. v. City of San Diego.

Date June 2, 19 89 By: Angie Sanchez
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			30244	106	4905	390400				\$116,000.00
TOTAL AMOUNT										\$116,000.00

FUND OVERRIDE

JUN 12 1989

R 273704

AC 8901026

89 JUN -2 PM 3:46

CITY CLERKS OFFICE
SAN DIEGO, CA

121

JUN 12 1989

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<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 *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R 273704** Adopted **JUN 12 1989**

89 JUN 21 PM 3:17

COMMUNICATIONS SECTION
SAN DIEGO, CA

100-100000