

(R-90-550)

RESOLUTION NUMBER R- 274493

ADOPTED ON OCT 2 1989

WHEREAS, in Closed Session on September 20, 1989, the City Council, by the following vote: Yeas, Districts 2, 3, 6, 7, 8, and the Major; Nays, None; Not Present, Districts 1, 4, and 5;

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. 1, issued in connection with the construction of the PENASQUITOS GLENS TRUNK SEWER EXPANSION. The terms and conditions under which this action is taken are set forth in the Settlement and Release Agreement on file in the Office of the City Clerk as Document No. RR- 274493 ;

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized and empowered to pay the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), in consideration of Change Order No. 1 and in settlement of the case, Wal-Con Construction Co. v. Chilcote, Inc, et al., San Diego Superior Court Case No. 612200;

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to expend the amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) from Fund 41506, C.I.P.

89 SEP 28 PM 3:00
SAN DIEGO, CALIF.

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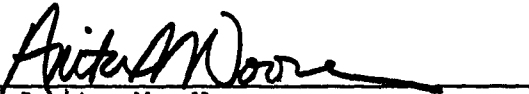
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031003

031003

No. 46-148.0, payable to Wal-Con Construction Co., as the final payment towards full settlement of any and all claims set forth in the lawsuit.

APPROVED: John W. Witt, City Attorney

By 
Anita M. Noone
Deputy City Attorney

AMN:jt:Lit.
09/27/89
Aud.Cert: 9000345
Or.Dept:W.Util.
R-90-550
Form=r.claim

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 9000345

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 \$ 100,000.00

Vendor Wal-Con Construction Co.

Purpose Authorizing the expenditure of funds in settlement of Lawsuit: Wal-Con

Construction Co. vs. Chilcote, Inc., et al.

Date September 28, 19 89

By: *Kimberly A. Rice*
AUDITOR AND COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA | | | | | | | | | | |
|-----------------|-------|-------|------|------|---------|-----------|-------------------|------------|----------|--------------|
| ACCTG. LINE | CY PY | FUND | DEPT | ORG. | ACCOUNT | JOB ORDER | OPERATION ACCOUNT | BENF/EQUIP | FACILITY | AMOUNT |
| 1 | | 41506 | 700 | 203 | 4222 | 66336 | | | | \$100,000.00 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| TOTAL AMOUNT | | | | | | | | | | \$100,000.00 |

FUND OVERRIDE

R- 274493

OCT 2 1989

AC 9000345

45411

OCT 2 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Ed Struiksma | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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.

Charles G. Abdelnour
Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-274493 Adopted OCT 2 1989