

RESOLUTION NUMBER R- 284573

ADOPTED ON SEP 12 1994

WHEREAS, in January 1994 The City of San Diego ("City") entered into an agreement with artist Larry Kirkland ("Artist") to fabricate and install one portion of a three-part design for the Mira Mesa Branch Library, which Agreement is on file with the City Clerk as Document No. C-05316 filed January 24, 1994; and

WHEREAS, at the time of the original Agreement, only \$40,000 was available to fund one portion of the design; and

WHEREAS, the sum of \$40,000 is necessary to complete the second portion of the design; and

WHEREAS, the City has received the generous donation of \$18,000 from Mr. Elliot Feurstein to fund a major part of the second portion of the design (Resolution No. R-284215, adopted July 5, 1994); and

WHEREAS, the City has available another \$22,000 from Capital Improvement Project 35-0706 to complete the second portion of the design; and

WHEREAS, the Artist continues to be willing and able to fabricate and install the second portion of the design; and

WHEREAS, the City desires to have the second portion of the design fabricated and installed at the Mira Mesa Branch Library;

NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager is hereby authorized to execute "The First Amendment to Agreement for Contractual Services/Mira Mesa Branch

Library" with Artist, which First Amendment is on file with the City Clerk as Document No PA-284573.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to expend an amount not to exceed \$40,000 for the second portion of the Artist's design, which is available in CIP 35-0760 (\$18,000 from Fund No. 63022, and \$22,000 from Fund No. 79006) for the purpose of the above-described First Amendment to Agreement.

APPROVED: JOHN W. WITT, City Attorney

By *Cristie C. McGuire*
Cristie C. McGuire
Deputy City Attorney

CCM:jrl
08/04/94
Or.Dept:E&D
Aud.Cert:9401220
R-95-249
Form=r-t

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

CERTIFICATE OF UNALLOTTED BALANCE AC 9401220

ORIGINATING DEPT. NO.: 543

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 _____ 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 money 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 \$ _____ 40,000.00

Vendor Larry Kirkland

Purpose Authorizing the expenditure of funds for Art Work feature for the Mira Mesa Branch Library, and accepting the generous donation from the Mira Mesa shopping center for said artwork.

Date June 8, 1994 By: *Nancy M. ...*

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	4279	350760				\$40,000.00
TOTAL AMOUNT										\$40,000.00

FUND OVERRIDE

AC 9401220

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