RESOLUTION NUMBER R- 287031 ADOPTED ON MAR 181996

WHEREAS, in Closed Session on February 6, 1996, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 4, 5, 6, 7 and 8, Not Present, Mayor Susan Golding, approved the following; 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 \$740,000 in the settlement of each and every claim against The City of San Diego, its agents and employees, related to Mingus Constructors, Inc. v. City of San Diego Water Utilities Department, et al., Case No. 95-1551 BTM (AJB), filed in the United States District Court, pursuant to the terms and conditions set forth in the Settlement Agreement thereof ("Settlement Agreement").

BE IT FURTHER RESOLVED, that upon full execution of the Settlement Agreement, the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$740,000, made payable to Mingus Constructors, Inc., and its attorney of record, Guy Bluff, Esq., in full settlement of the lawsuit and of all claims.

BE IT FURTHER RESOLVED, that said funds are to be payable from Fund No. 40012, and that the City Auditor and Comptroller be and he is hereby authorized to transfer an amount not to exceed \$290,000 from the Water Operating Fund 41500, Unallocated

Reserve, program element 70679 to the Dulzura Renovation Project CIP 73252.0.

APPROVED: JOHN-W. WITT, City Attorney

Ву

Deborah L. Berger Deputy City Attorney

DLB:cdk 02/21/96

Aud.Cert: 9600895

Or.Dept:R.M.

R-96-901

Form=r.claim1

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

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