

RESOLUTION NUMBER R- 309764  
DATE OF FINAL PASSAGE JUN 11 2015

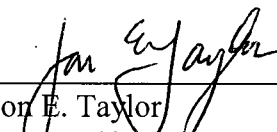
A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING SETTLEMENT OF LITIGATION  
ENTITLED *TC CONSTRUCTION COMPANY, INC. V. CITY OF  
SAN DIEGO*.

WHEREAS, in Closed Session on April 7, 2015, the City Council, by the following vote:  
Yeas, District 1, 2, 3, 4, 5, 6, 7, 8, 9; Nays, None: Not Present, None; approved the following  
motion: Settlement of all claims of T.C. Construction Company, Inc. against the City in *TC  
Construction Co. v. City of San Diego*, San Diego Superior Court Case No. 37-2014-00004845-  
CU-BC-CTL: NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Mayor or his  
designee is authorized to execute a settlement and release agreement with TC Construction  
Company arising from the construction contract claim of TC Construction Company, Inc. v. City  
of San Diego, San Diego Superior Court Case No. 37-2014-00004845-CU-BC-CTL for CIP S-  
12035, Balboa Terrace Trunk Sewer, Fund 700008, Muni Sewer CIP, in an amount not to exceed  
\$822,000; and

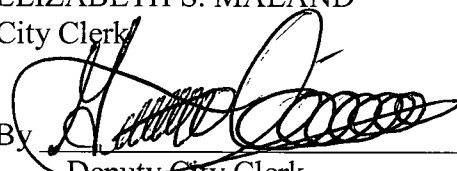
BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend  
an amount not to exceed \$822,000 from CIP S-12035, Balboa Terrace Trunk Sewer, Fund  
700008, Muni Sewer CIP for the purpose of executing this agreement.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Jon E. Taylor  
Deputy City Attorney

JET:tsc  
April 29, 2015  
Or.Dept: City Attorney  
CC No. 3000007891  
Doc. No.: 1005797

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 02 2015

ELIZABETH S. MALAND  
City Clerk  
By   
Deputy City Clerk

Approved: 6/11/15  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000007891  
 DEPT. NO.: 2112

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: \_\_\_\_\_

Purpose: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original 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: \$822,000.00

Vendor: TC Construction Company, Inc

Purpose: To authorize the expenditure of funds not to exceed \$822,000.00 to TC Construction Company, Inc for settlement of construction delay claim for the Balboa Terrace Trunk Sewer project.

Date: May 19, 2015 By: Aubrey Koehn  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
1	S12035	700008		512025	OTHR-00000000-SU	2011		S-12035.07.03	\$822,000.00
TOTAL AMOUNT									\$822,000.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on JUN 02 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 11 2015

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

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