

RESOLUTION NUMBER R- 310212

DATE OF FINAL PASSAGE JAN 22 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE JOINT VENTURE OF ROB WELLINGTON QUIGLEY AND TUCKER SADLER ARCHITECTS REGARDING THE NEW CENTRAL LIBRARY, AND TAKING RELATED ACTIONS.

WHEREAS, on June 5, 2014, the joint venture of Rob Wellington Quigley and Tucker Sadler Architects (Joint Venture) filed a claim with the City of San Diego (City) alleging the City was responsible for additional costs incurred by the Joint Venture arising from the work it performed on the new central library; and

WHEREAS, in Closed Session on October 5, 2015, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7 and 8; Nays, None; and absent, District 9, approved settlement of the claim for an amount \$340,000.00 (consisting of \$135,838.98 in remaining contract balance and \$204,161.02 in additional funds) and \$15,264.21 in remaining contract balance upon completion of as-built drawings and LEED documentation by the Joint Venture, and pursuant to such other terms more fully set forth in the Settlement Agreement; and

WHEREAS, the City needs to transfer funds to satisfy the Settlement Agreement, pay related City costs, and close out the project; NOW, THEREFORE,

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

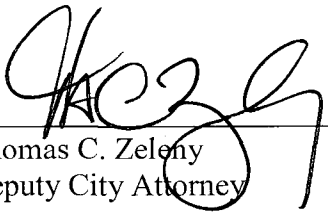
1. The Chief Financial Officer is authorized to transfer the amount of \$400,000 from the General Fund, Fund 100000, Business Area 9912, Citywide Program Expenditures, to Fund 400265, General Fund Contributions to CIP.

2. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP S-00799, San Diego New Central Library, and to appropriate and expend an amount not to exceed \$400,000 from Fund 400265 General Fund Contributions to CIP, for the purpose of funding the Settlement Agreement and to provide funds for project engineering costs, provided the Chief Financial Officer first furnishes one or more certificates demonstrating the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

3. The Chief Financial Officer is authorized to de-appropriate \$113,653.47 from Fund 400693, New Central Library Contributions, from CIP S-00799, San Diego New Central Library, for the purpose of reducing the San Diego Library Foundation contribution requirement, provided the Chief Financial Officer first furnishes one or more certificates demonstrating the funds are, or will be, on deposit in the City Treasury.

4. The City Comptroller is authorized to issue checks to the Joint Venture pursuant to the terms of the Settlement Agreement.

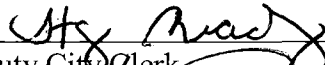
APPROVED: JAN I. GOLDSMITH, City Attorney

By  \_\_\_\_\_  
Thomas C. Zeleny  
Deputy City Attorney

TCZ:mt  
12/9/2015  
Or.Dept: Public Works/Engineering  
CC No. 3000008429  
Doc. No.: 1185200

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 19 2016.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 1/22/16  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING DEPT. NO.: 3000008429

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: \$400,000.00 Fund: 100000

Purpose: Settlement of contract claims for design services on San Diego new Central Library

Date: December 15, 2015 By: Coleen Maddox

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	100000				516027	9912	9912001319		\$400,000.00
TOTAL AMOUNT									\$400,000.00

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: \_\_\_\_\_

Vendor: \_\_\_\_\_

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

Date: \_\_\_\_\_ By: \_\_\_\_\_

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

3000008429

Passed by the Council of The City of San Diego on JAN 19 2016, 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 22 2016

(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 Stacy Ready, Deputy

Office of the City Clerk, San Diego, California

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