

RESOLUTION NUMBER R- **316923**

DATE OF FINAL PASSAGE **SEP 08 2026**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT OF
FLATIRON WEST, INC. AND THE CITY OF SAN DIEGO.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. Flatiron West, Inc. (Flatiron) claims the City of San Diego delayed its work during the construction of the West Mission Bay Bridge which caused Flatiron to incur increased costs to complete the construction of the bridge. The lawsuit is entitled *Condon-Johnson & Associates, Inc. v. Flatiron West, Inc.*, San Diego Superior Court No. 37-2022-00013316-CU-BC-CTL (Litigation).

B. In closed session on July 13, 2026, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, 9; Nays, None; Absent, None; approved the settlement of the Litigation for an amount consistent with the amount set forth below.

ACTION ITEMS

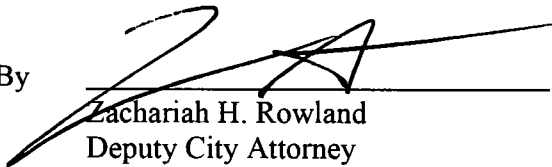
Be it resolved by the Council of the City of San Diego:

1. Authorizes the Mayor or his designee to pay the sum of \$2,500,000.00 to Flatiron West, Inc., of which \$1,539,360.14 is from Grant Fund – Federal, Fund No. 600000; \$703,565.15, from Transnet Extension RTCI Fee, Fund No. 400174; and \$257,074.71 from Sea World Traffic Mitigation Fund No. 200385, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorneys' fees, against the City, its agents, and employees, arising from the Litigation.

2. Authorizes the Chief Financial Officer to appropriate and expend an amount not to exceed \$2,500,000.00, of which \$1,539,360.14 is from Grant Fund – Federal, Fund No. 600000; \$703,565.15, from Transnet Extension RTCI Fee, Fund No. 400174; and \$257,074.71 from Sea World Traffic Mitigation Fund No. 200385, for the purpose of funding the settlement.

APPROVED: HEATHER FERBERT, City Attorney

By


Zachariah H. Rowland
Deputy City Attorney

ZHR:jn

July 23, 2026

Or. Dept: City Attorney

CC No. 3000018760

Doc. No. 4491922

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on

SEP 01 2026

DIANA J.S. FUENTES
City Clerk

By


Deputy City Clerk

Approved:

9/3/26
(date)


TODD GLORIA, Mayor

Vetoed:

(date)

TODD GLORIA, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000018760

DEPT. NO.: 2116

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									\$0.00

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: \$2,500,000.00

Vendor: Flatiron West, Inc.

Purpose: To authorize the expenditure of funds not to exceed \$2,500,000 to Flatiron West, Inc. for construction and settlement costs for the West Mission Bay Drive Bridge over San D project.

Date: August 17, 2026

By: Francisco Lopez

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	S00871	600000	1000163-2021	512025	OTHR-00000000-TR	2113	2113120013	S-00871.07.10	\$1,539,360.14
2	S00871	400174	NOT_RELEVANT_GRANT	512025	OTHR-00000000-TR	2113	2113120013	S-00871.07.11	\$199,440.42
3	S00871	400174	NOT_RELEVANT_GRANT	512182	OTHR-00000000-TR	2113	2113120013	S-00871.07.08	\$504,124.73
4	S00871	200385	NOT_RELEVANT_GRANT	512182	OTHR-00000000-TR	2113	2113120013	S-00871.07.08	\$257,074.71
5									
TOTAL AMOUNT									\$2,500,000.00

AV

CR

CC-361 (REV 7-09)

FUND OVERRIDE ☐

CC 3000018760

Passed by the Council of The City of San Diego on September 1, 2026, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☒	☐	☐	☐
Jennifer Campbell	☐	☐	☒	☐
Stephen Whitburn	☒	☐	☐	☐
Henry L. Foster III	☒	☐	☐	☐
Marni von Wilpert	☐	☐	☒	☐
Kent Lee	☒	☐	☐	☐
Raul A. Campillo	☒	☐	☐	☐
Vivian Moreno	☒	☐	☐	☐
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage SEP 08 2026.

(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:

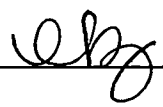
TODD GLORIA

Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number **R-316923**