

RESOLUTION NUMBER R- 309129

DATE OF FINAL PASSAGE JUL 17 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN CITY OF SAN DIEGO, A MUNICIPAL CORPORATION AND SAN DIEGO AUTO CONNECTION, INC.

WHEREAS, on April 25, 2011, SAN DIEGO AUTO CONNECTION, INC., filed a cross-complaint against the City of San Diego [the City], alleging that the City had breached agreements entered into between the City and San Diego Auto Connection [SDAC] for use of the Qualcomm Stadium parking lot for auto and RV sales events. SDAC filed its cross-complaint in the San Diego Superior Court in an action filed by the City entitled *City of San Diego v. San Diego Auto Connection, Inc.*, et al.: SDSC, Case No 37-2011-00090135-CU-BC-CTL [the Litigation]; and

WHEREAS, in Closed Session on June 10, 2014, the City Council, by the following votes: Yeas, District(s) 1, 2, 4, 5, 6, 7); Nays, None; and absent, (District(s) 3, 8, 9; approved a settlement between the City and SDAC as to all claims asserted by either party in the Litigation.

WHEREAS, the City Council in closed session on June 10, 2014, authorized settlement of the Litigation for an amount consistent with the amounts set forth below; NOW,

THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the Council authorizes:

1. The Mayor or his designee to pay the sum of \$387,500.00 from the Public Liability Fund, Fund No. 720045, in settlement of each and every claim for contractual damages, interest, costs and fees of any type, including attorney fees, against the City, its agents and employees, arising from the Litigation.

2. The Chief Financial Officer to appropriate and expend \$387,500.00 from the Public Liability Fund 720045, contingent upon the Chief Financial Officer first furnishing one or more Certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

3. The Comptroller to issue a check in the amount of \$387,500.00, made payable to "San Diego Auto Connection, Inc."

APPROVED: JAN I. GOLDSMITH, City Attorney

By R Welch
R. Clayton Welch
Chief Deputy City Attorney

RCW:nmm
6/10/2014
Or.Dept: City Attorney
CC No. 3000007056
Doc. No.: 802610

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 15 2014.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

[Signature]
KEVIN L. FAULCONER, Mayor

Approved: 7/16/14
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000007056
 DEPT. NO.: 1515

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	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	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: \$387,500.00

Vendor: San Diego Auto Connections

Purpose: Case No. 37-2011-00090135-CU-BC-CTL

Date: June 19, 2014 By: Holly Hernandez

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
01	720045			OTHR-00000000-GG	512007	1515	1515000011		\$387,500.00
TOTAL AMOUNT									\$387,500.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on JUL 15 2014, 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"/>
Ed Harris	<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"/>
Lorie Zapf	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 17 2014

(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 *May Anderson*, Deputy

Office of the City Clerk, San Diego, California

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