#193 4/21/15 (R-2015-517)

RESOLUTION NUMBER R- 309614

DATE OF FINAL PASSAGE MAY 0 5 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AMENDMENT NO. 2 TO THE AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND OVERLAND, PACIFIC & CUTLER, INC., FOR CONSULTING SERVICES

WHEREAS, the City of San Diego (City) is a named defendant in the case arising from the closure of a mobile home park on Mission Bay: *De Anza Cove Homeowners Association, et al. v. City of San Diego*, San Diego Superior Court Case No. GIC 821191; and

WHEREAS, the San Diego City Council authorized the resolution of the this litigation as to the certified class of residents of the mobile home park, said resolution is to abide by the Amended Judgment dated October 16, 2014, entered in this lawsuit with payment of attorneys' fees calculated at one third of the award plus costs as awarded by the Court, for an amount consistent with the amounts set forth in R-309422, on file herein; and

WHEREAS, Overland, Pacific & Cutler, Inc. will continue the scope of work to include payment of claims to the residents based on the Amended Judgment dated October 16, 2014, as described in Amendment No. 2 to the Agreement Between the City of San Diego and Overland, Pacific & Cutler, Inc., for Consulting Services, which is on file in the Office of the City Clerk as RR-\_\_\_\_\_309614\_; and,

NOW THEREFORE,

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

1. Authorize the Mayor or his designee to amend the contract with Overland, Pacific & Cutler, Inc., to extend the contract term through May 20, 2016, expand the scope of work to include payment of claims to the residents, and increase the contract amount to \$591,000,

consistent with the Amended Judgment dated October 16, 2014, in the matter of De Anza Cove Homeowners Association, Inc., et al. v. City of San Diego, et al., Case Number: GIC 821191.

2. Authorize the Chief Financial Officer to appropriate and expend an amount not to exceed \$591,000.00 in total payment to Overland, Pacific & Cutler, Inc., from the public liability h

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fund 720045, contingent upon the Chief Financial Officer first furnishing one or more
certificates certifying that the funds necessary for this expenditure are, or will be, on deposit wit
the City Treasurer.
APPROVED: JAN I. GOLDSMITH, City Attorney
By John Riley Deputy City Attorney
JER:slc 3/26/2015 Or.Dept: City Attorney CC No. 3000007661 Doc. No.: 983919
I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting ofAPR 2 1 2015
ELIZABETH S. MALAND City Clerk
Approved: 4/29/15 (date)  By Mac Mac Deputy GigyClerk  KEVIN L. FAULCONER, Mayor

KEVIN L. FAULCONER, Mayor

Vetoed: \_

(date)

## The City of San Diego COMPTROLLER'S CERTIFICATE

-		CERTIFICATE OF UNALLOTTED BALANCE					ORIGINATING	DEPT, NO.	1515	
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Date:							Ву:	COMPTROLLE	R'S DEPAR	RTMENT
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Passed by the Council of The City of San Diego		APR 2	1 2015 , by	the following vote:
Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner				
Lorie Zapf	<b>\(\rangle \)</b>			
Todd Gloria	Ø			
Myrtle Cole				
Mark Kersey	Ø			
Chris Cate	Ø.			
Scott Sherman				
David Alvarez				_ ·
Marti Emerald	$\mathbb{Z}$			
(Please note: When a resolution approved resolution was return AUTHENTICATED BY:	n is approved by the red to the Office of t	the City Cler	rk.) KEVIN L. FA	
(Seal)		City	S. MALAND of San Diego, California.	
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		Office of t	he City Clerk, Sar	n Diego, California