

RESOLUTION NUMBER R- 309614

DATE OF FINAL PASSAGE MAY 05 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,

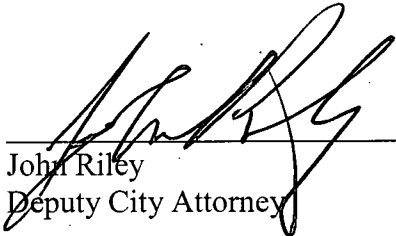
BE IT RESOLVED, by the Council of the City of San Diego that the Council:

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 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 with the City Treasurer.

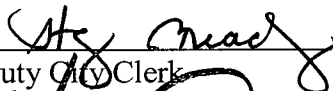
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
John Riley
Deputy City Attorney

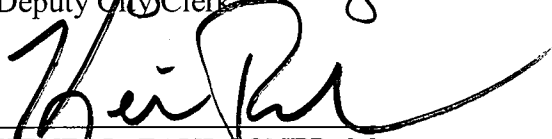
JER:slc
3/26/2015
Or.Dept: City Attorney
CC No. 3000007661
Doc. No.: 983919

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 21 2015

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4/29/15
(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 3000007661
 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: \$591,000.00

Vendor: Overland ,Pacific & Cutler, Inc.

Purpose: To Extend Contract with Overland, Pacific & Cutler, Inc.

Date: March 12, 2015 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-GC	512007	1515	151500011		\$591,000.00
TOTAL AMOUNT									\$591,000.00

Passed by the Council of The City of San Diego on APR 21 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 05 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:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Aty Brady*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 309614