

ORDINANCE NUMBER O - 20852

DATE OF FINAL PASSAGE SEP 15 2017

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AMENDMENT NO. 4 TO THE AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND OVERLAND, PACIFIC & CUTLER, INC., FOR CONSULTING SERVICES.

WHEREAS, the City of San Diego 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 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 San Diego Resolution R-309422 (Dec. 17, 2014), 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. 4 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 00-20852; and,

WHEREAS, under San Diego Charter section 99, no contract, agreement or obligation extending for a period of more than five years may be authorized except by ordinance adopted by a two-thirds' majority vote of the City Council; NOW THEREFORE,

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

Section 1. That the Mayor or his designee is authorized to execute Amendment No. 4 to the contract with Overland, Pacific & Cutler, Inc., extending the contract through December 2017, in connection with the closure of De Anza Cove Mobile Home Park, including compliance with the October 16, 2014 Amended Judgment in *De Anza Cove Homeowners Association, Inc., et al. v. City of San Diego, et al.*, San Diego Superior Court Case No. GIC 821191. Funding is from the Public Liability Fund No. 720045, approved via San Diego Resolution R-309422 (Dec. 17, 2014) on December 16, 2014.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
\_\_\_\_\_  
John Riley  
Deputy City Attorney

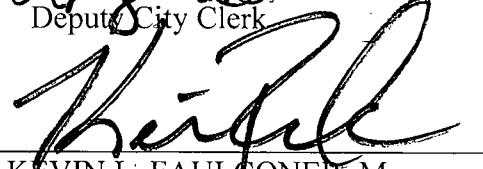
JER:aml  
July 20, 2017  
Or.Dept: READ  
Doc. No.: 1543013

I certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 12 2017

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 9/15/17  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

Passed by the Council of The City of San Diego on SEP 12 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<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"/>
Georgette Gomez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 15 2017

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.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

AUG 01 2017, and on SEP 15 2017

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

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

By [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20852</u>