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01/28/2025
(O-2025-63)

ORDINANCE NUMBER O- 21916 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 30 2025

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE THIRD AMENDMENT TO THE CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND HUGO PARKER, LLP FOR LEGAL CONSULTING SERVICES.

RECITALS

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

A. On January 28, 2020, by San Diego Resolution No. R-312830, City Council approved a two-year, as-needed legal services agreement in an amount not-to-exceed \$150,000.00 with Hugo Parker, LLP as an outside counsel consultant to assist the City with issues involving asbestos containing material at any City owned or occupied building or facility, including review of relevant City policies and procedures (Agreement). The Agreement permits the City to exercise an option to retain Hugo Parker, LLP in litigation matters involving asbestos at any City-owned or occupied building or facility subject to City Council approval.

B. On April 7, 2020, by San Diego Resolution No. R-312924, City Council approved a First Amendment to the Agreement increasing the not-to-exceed amount to \$350,000.00 to allow Hugo Parker, LLP to oversee a comprehensive forensic review of the events leading to asbestos-related complaints involving the commercial building at 101 Ash Street (101 Ash).

C. On July 19, 2022, by San Diego Resolution No. 314241, City Council approved a Second Amendment to the Agreement to: (1) exercise the City's option to retain Hugo Parker, LLP as the City's counsel in all pending and future litigation matters involving allegations of asbestos exposure at 101 Ash, (2) increase the not-to-exceed amount by \$250,000 to \$600,000

from \$350,000 to cover the anticipated cost of these litigation matters and as-needed future consulting work; and, (3) extend the term of the agreement to December 31, 2024.

D. Litigation matters involving allegations of asbestos exposure at 101 Ash remain pending and thus require a Third Amendment to the Agreement to extend the Agreement term by an additional two (2), but do not require an increase to the previously-approved not-to-exceed contract amount.

E. With the proposed Third Amendment to the Agreement, the Agreement is subject to San Diego Charter section 99, which provides (subject to certain exceptions) that no contract, agreement, or obligation creating City indebtedness and extending for a period of more than five years may be authorized except by an ordinance adopted by a two-thirds majority of the City Council.

ACTION ITEMS

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


Section 1. The Council approves the Third Amendment to the Agreement.

Section 2. The Mayor or his designee is authorized, on the City's behalf, to sign the Third Amendment to the Agreement to extend the contract term through December 31, 2026 in the previously authorized total amount not to exceed \$600,000.00.

Section 3. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 4. This Ordinance will take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: HEATHER FERBERT, City Attorney

By  _____
Paul H. James
Deputy City Attorney

PHJ:yl:mm
November 21, 2024
Or.Dept: City Attorney
Doc. No. 3923022

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on JAN 28 2025.

DIANA J.S. FUENTES
City Clerk

By  _____
Deputy City Clerk

Approved: 1/29/25 _____
(date)

 _____
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(Note: The date of final passage is January 30, 2025, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

Passed by the Council of The City of San Diego on JAN 28 2025, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 30 2025.

AUTHENTICATED BY:

(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By _____, 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

JAN 13 2025, and on JAN 30 2025.

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.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy
For Connie Patterson

Office of the City Clerk, San Diego, California

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