

RESOLUTION NUMBER R- 315975

DATE OF FINAL PASSAGE JAN 23 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE FIRST AMENDED LEGAL
SERVICES AGREEMENT WITH DEAN GAZZO
ROISTACHER LLP

RECITALS

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

A. On August 8, 2023, the San Diego City Council passed Resolution Number R-315085 authorizing the retention of eleven selected law firms in various practice areas of law as outside counsel. One of the eleven firms was Dean Gazzo Roistacher LLP (Law Firm).

B. On or about August 30, 2023, the City and Law Firm entered into a Legal Services Agreement (Agreement) for a term not to exceed five years and in an amount not to exceed \$500,000.00.

C. The City Attorney's Office (Office) is now seeking an increase only to the not-to-exceed amount of the Agreement and does not seek any other amendment to the Contract.

D. The proposed First Amendment to increase the Agreement by an additional \$1,000,000.00 is necessary to allow the Law Firm to continue to represent the City in defense in ongoing litigation in *Palmer Kearney Mesa Properties, LP v. City of San Diego, et al.*, United States District Court Case No. 23cv01755 DMS BGS and *Shinn, Steven, et al. v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2022-00024648-CU-PO-CTL. Further, the increase is necessary for the Law Firm to assist in the City's defense of multiple lawsuits arising from the January 22, 2024, rain occurrence and flooding filed by over 1,200 plaintiffs including *Gregory Montoya, et al. v. City of San Diego*, San Diego Superior Court Case No. 37-2024-00021327-CU-EI-CTL and related matters. The City Attorney's Office does not have the current

capacity to defend the now over 25 lawsuits alleging flood related damages filed by seven separate law firms with over 1,200 individual plaintiffs.

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

- 1) Authorizes the Mayor or his designee to execute the First Amendment to the Agreement with the Law Firm, in a total not to exceed amount of \$1,500,000.00, from the original amount of \$500,000.00.
- 2) Authorizes the Chief Financial Officer to appropriate and expend an amount of \$1,000,000.00, for a total not to exceed amount of \$1,500,000.00, for purposes of funding the First Amendment to the Agreement, contingent upon the adoption of the Appropriation Ordinance for the applicable Fiscal Year in which the funds will be expended and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: HEATHER FERBERT, City Attorney

By


M. Travis Phelps
Assistant City Attorney

MTP:mgm
November 18, 2024
Or. Dept: City Attorney
CC No. 3000017338
Doc. No. 3881065


I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
JAN 13 2025

DIANA J.S. FUENTES
City Clerk

By


Deputy City Clerk

Approved: 1/23/25
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000017338
DEPT. NO: 1211

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: \$500,000.00

Purpose: First Amendment to Agreement for Legal Services with Dean Gazzo Roistacher LLP to Provide Continued Legal Services as Panel Outside Counsel

Date: December 2nd 2024

Lauren Rehkopf *Lauren Rehkopf*

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	720045	NON-PROGRAM		OTHR-00000000-GG	512042	1515	1515000011		\$500,000.00
TOTAL AMOUNT									\$500,000.00

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: _____

Vendor: _____

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

Passed by the Council of The City of San Diego on JAN 13 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 23 2025.

(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:

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

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

(Seal)

By Linda Irwin, Deputy
For Krystell Medina

Office of the City Clerk, San Diego, California
Resolution Number R- 315975