

RA 11/8/2011
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REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04689
DATE OF FINAL PASSAGE NOV 15 2011

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF THE FIFTH AMENDMENT TO THE AGREEMENT WITH THE LAW OFFICES OF DON DETISCH FOR LEGAL SERVICES.

WHEREAS, the San Diego City Attorney, serving as General Counsel to the Agency, has determined that additional legal expertise or personnel may be necessary for particular legal matters involving condemnation and acquisition of property; and

WHEREAS, in 2004, the Office of the City Attorney issued a Request for Qualifications (RFQ) for Special Legal Counsel Services for the Redevelopment Agency of the City of San Diego (Agency); and

WHEREAS, on May 16, 2005, the Agency and the Law Offices of Don Detisch (Special Counsel) entered into an agreement (Agreement) for legal services in the area of condemnation and acquisition of property for a period of three years with a maximum compensation of \$250,000; and

WHEREAS, on November 2, 2005, the Agency and Special Counsel entered into a First Amendment to the Agreement (First Amendment) to authorize Special Counsel to render legal services to the Agency in connection with the condemnation and acquisition of specific properties located within the Centre City Redevelopment Project Area and to increase the compensation payable to Special Counsel under the Agreement by \$100,000 for a maximum compensation of \$350,000; and

WHEREAS, on August 4, 2006, the Agency and Special Counsel entered into a Second Amendment to the Agreement (Second Amendment), which was incorrectly titled as a “First Amendment,” to authorize Special Counsel to render legal services to the Agency in connection with the condemnation and acquisition of specific properties located within the North Bay Redevelopment Project Area; and

WHEREAS, on September 14, 2009, the Agency and Special Counsel entered into a Third Amendment to the Agreement to retroactively extend the term of the Agreement for two years; to combine the Additional Scope of Services attached to the First Amendment and the Amended Scope of Services attached to the Second Amendment into one document titled, “Third Amended Scope of Services”; to increase the compensation payable to Special Counsel under the Agreement for legal services rendered in connection with the City Heights Redevelopment Project Area by \$100,000 for a maximum compensation of \$450,000; to increase Special Counsel’s Fee Schedule (Exhibit “A” to the Agreement) in accordance with current rates; and to update the notification addresses of the Agency and Special Counsel; and

WHEREAS, on January 28, 2011, the Parties entered into a Fourth Amendment to the Agreement (Fourth Amendment) to further amend the Agreement and the Scope of Services to (1) increase the total compensation amount authorized to be paid to Special Counsel for legal services rendered in connection with properties located in the Centre City Redevelopment Project Area by an amount not to exceed \$100,000, thus increasing the total compensation authorized to be paid to Special Counsel for all services rendered during the entire Term of the Agreement, as amended, to an amount not to exceed \$550,000, and (2) extend the term of the Agreement retroactively from May 16, 2010 until December 31, 2011.

WHEREAS, currently, the total amount of compensation authorized to be paid to Special Counsel pursuant to the Third Amended Scope of Services in connection with properties located within the Centre City Redevelopment Project Area has been exhausted; and

WHEREAS, the Agency now requires the legal services of Special Counsel only in connection with certain properties located within the Centre City Redevelopment Project Area; and


WHEREAS, in light of the above, the Agency wishes to enter into a Fifth Amendment to the Agreement to amend the Third Amended Scope of Services, increase the total compensation amount authorized to be paid to Special Counsel for legal services rendered in connection with properties located within the Centre City Redevelopment Project Area by an amount not to exceed \$150,000, thus increasing the total compensation authorized to be paid to Special Counsel for all services rendered during the entire Term of the Agreement, as amended, to an amount not to exceed \$700,000, and to extend the term of the Agreement through December 2012; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego, as follows:

1. That the Fifth Amendment to the Agreement with Special Counsel is approved.
2. That the City Chief Financial Officer, as delegated, is authorized to appropriate, encumber and expend Centre City Redevelopment Project Area tax increment funds not to exceed \$150,000, provided the City Comptroller first certifies the funds are available.
3. That the Agency's Executive Director, or designee, is authorized and empowered to execute the Fifth Amendment to the Agreement for and on behalf of the Agency, and to administer the Agency's obligations, responsibilities, and duties to be performed under the

Agreement; a copy of the Fifth Amendment to the Agreement, when fully executed, shall be placed on file with the Agency Secretary as Document No. D- 04689

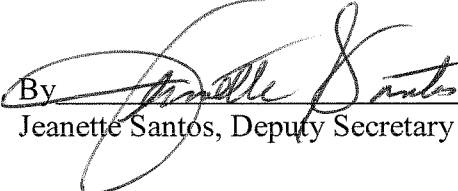
APPROVED: JAN I. GOLDSMITH, General Counsel

By 
Nathan Slegers
Deputy General Counsel

NS:hm
10/25/2011
Or.Dept:Redev.Agency

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at this meeting of NOV 08 2011.

REDEVELOPMENT AGENCY

By 
Jeanette Santos, Deputy Secretary

Approved: 11-15-11
(date)


JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO.: CC 300004540

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: Francisco J Lopez
 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: \$150,000.00

Vendor: Law Office of Don Detisch

Purpose: e1472 - Fifth Amendment to the Agreement with Vendor for Legal Services (Litigation and Land Acquisition) in the Centre City Redevelopment Project Area.

Date: October 24, 2011 By: Francisco J Lopez
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	400638	920528100000	920528100102	OTHR-02-NS	512042	2220	2220500011		\$75,000.00
002	400638	920528100000	920528100103	OTHR-02-NS	512042	2220	2220500011		\$75,000.00
TOTAL AMOUNT									\$150,000.00

Passed by the Redevelopment Agency of The City of San Diego on NOV 08 2011, by the following vote:

Agency Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<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"/>

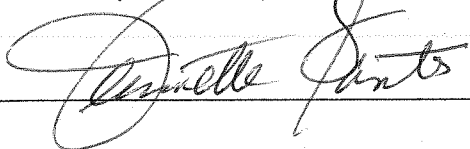
Date of final passage NOV 15 2011

AUTHENTICATED BY:

JERRY SANDERS
Executive Director of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the Redevelopment Agency, San Diego, California

Resolution Number R- 04689