## REDEVELOPMENT AGENCY OF

## THE CITY OF SAN DIEGO

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

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. D04689
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 ofNOV_0_8 2011
REDEVELOPMENT AGENCY  By the Malle of the second se
Jeanette Santos, Deputy Secretary
Approved: JERRY SANDERS, Executive Director
(date) JERRY SANDERS, Executive Director
Vetoed:
(date) JERRI SANDERS, Executive Director

## The City of San Diego COMPTROLLER'S CERTIFICATE

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CC-361 (REV 7-09)

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Agency Members Ye	eas Nays	Not Present	Recused	
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	Executive Dir	rector of The City o	if San Diego, Ca	lifornia.
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