



DATE ISSUED: March 9, 2005 REPORT NO. CCDC-05-08

ATTENTION: Honorable Chair and Members of the Redevelopment Agency  
Docket of March 15, 2005

SUBJECT: Third Amendment to the Agreement for Special Legal Counsel  
("Condemnation") Services with Best, Best & Krieger, LLP – Centre  
City Redevelopment Project

REFERENCE: Scope of Services

STAFF CONTACT: David N. Allsbrook, Manager-Contracting and Public Works

#### SUMMARY

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Issue - Should the Redevelopment Agency approve the Third Amendment to the Agreement with Best, Best & Krieger, LLP ("BBK") for an amount not to exceed \$150,000?

Staff Recommendation - That the Redevelopment Agency approve the Third Amendment to the Agreement with BBK to add \$150,000 to the contract. The total contract amount will not exceed \$400,000.

Centre City Development Corporation Recommendation - On February 23, 2005, the Centre City Development Corporation will consider recommending approval of the Third Amendment to the Agreement. The recommendation and vote of the Corporation will be reported to the Redevelopment Agency when the item is considered.

Other Recommendations - None.

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Fiscal Impact - Funds are available in the Fiscal Year 2005 Gaslamp Quarter Budget for legal services. The Developer of the Renaissance Hotel Project has sufficient funds on deposit with the Corporation to cover the proposed amendment.

Honorable Chair and Member of the  
Redevelopment Agency  
Docket of March 15, 2005  
Page 2

## BACKGROUND

In September 2000, the firm of BBK was selected as one of three firms to provide Special Legal Counsel (“Condemnation”) Services for the Redevelopment Agency. The other two firms were Daley & Heft and the Law Offices of Donald Detisch. Last fall, the City Attorney’s Office issued a Request for Qualifications for these services for the next three years, and these same firms were selected plus a fourth firm, Kane, Ballmer & Berkman.

## DISCUSSION

In early 2004, BBK was assigned the legal work associated with the Renaissance Hotel Project located in the Gaslamp Quarter for acquisition of one parcel of land required for the project. To date BBK has handled all of the legal work required for the condemnation of this one parcel. BBK has also successfully defended the Redevelopment Agency’s “right-to-take” and obtained an Order for Immediate Possession. Trial will be scheduled later on this year on the compensation for the property. The purpose of this Third Amendment is to provide funds for the continued legal work required for the pending eminent domain action for the Renaissance Hotel Project.

The following provides a summary of the current financial status of the Agreement:

Original Agreement	(September 2000)	\$100,000
First Amendment	(June 2004)	150,000
Second Amendment	(Redevelopment Agency -	
for Corporation Matters	Paseo Project)	100,000
Paid to Date		(240,045)
Proposed Amendment		<u>\$150,000</u>
Amount Available Subsequent		
to this Amendment for		
Corporation Matters		<u>\$159,955</u>

CONSULTANT FIRM

The consultant firm is comprised of the following principals and primary contacts:

ROLE/FIRM	CONTACT	OWNED BY
<b>Best, Best &amp; Krieger, LLP</b>	Bruce Beach (Partner) Karen Landers (Associate)	Rob Hanna Shawn Hagerty Jim Gilpin Peggy Strund Arlene Prater Bruce Beach Woody Merrill Mike Cowett Dina Harris Warren Diven <i>(Privately Owned)</i>

EQUAL OPPORTUNITY

This is an amendment to an existing agreement, therefore no equal opportunity was done. BBK is not a certified M/W/D/DVBE firm.

BBK submitted a Work Force Report dated October 27, 2004, which indicates a total of 33 employees in their San Diego County office, of which 26 are female, 7 are male, and \*5 are members of an under-represented ethnic group.

- \*(2) African-American Females
- (1) Latino
- (1) Latina
- (1) Asian Female

Honorable Chair and Member of the  
Redevelopment Agency  
Docket of March 15, 2005  
Page 4

SUMMARY/CONCLUSION

There is no conflict of interest known to me regarding any Agency or Corporation officer or employee regarding this agreement.

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Respectfully submitted, \_\_\_\_\_ Concurred by:

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David N. Allsbrook  
Manager-Contracting and Public Works

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Peter J. Hall  
President

Attachment: Scope of Services