



DATE ISSUED: October 19, 2005 REPORT NO. CCDC-05-39

ATTENTION: Chair and Members of the Redevelopment Agency
Docket of October 25, 2005

SUBJECT: Approval of 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

Issue - Should the Redevelopment Agency approve the proposed Agreement with Best, Best & Krieger, LLP ("BBK")?

Staff Recommendation - That the Redevelopment Agency approve the Agreement with Best, Best & Krieger, LLP ("BBK") for \$250,000.

Centre City Development Corporation Recommendation- On September 21, 2005, the Corporation Board of Directors voted unanimously to recommend approval of the Agreement.

Centre City Advisory Committee (CCAC) Recommendation - None.

Other Recommendations - None.

Fiscal Impact - Funds are available in the Fiscal Year 2006 Gaslamp Quarter Budget for legal services. The Developer of the Renaissance Hotel Project will deposit sufficient funds with the Corporation to cover the proposed Agreement.

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 ("RFQ") 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 a 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. Recently, BBK defended the precondemnation damage claims brought by the property owner. The valuation phase of the case is next and scheduled to start October 7, 2005 and the purpose of the new Agreement is to provide legal services for this phase of the case. The Renaissance Hotel Developer is obligated to fund these expenses pursuant to a Disposition and Development Agreement and will deposit sufficient funds with the Corporation to cover this Agreement.

At the request of the City Attorney's Office, it is recommended that a new contract be considered rather than amending the existing contract because BBK was recently selected to continue to provide these services for the next three-year period. The existing Agreement has been amended twice and the total contract amount is \$400,000 with a total of \$399,175 having been expended to date.

CONSULTANT FIRM

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

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

EQUAL OPPORTUNITY

BBK is one of four firms selected through an RFQ process to provide eminent domain legal services to the Redevelopment Agency. BBK is not a certified M/W/D/DVBE firm.

BBK submitted a Work Force Report dated June 3, 2005, which indicates a total of 47 employees in their San Diego County office, of which 26 are females and 8 are members of an under-represented ethnic group.

- *(1) African-American Male
- (1) African-American Female
- (1) Latino
- (3) Latinas
- (2) Asian Females

The City of San Diego has received documentation which, together make-up the Equal Employment Opportunity Plan ("EEOP"). The EEOP was approved in January 2005 and is good for a two-year period.

SUMMARY/CONCLUSION

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

Respectfully submitted, _____

David N. Allsbrook
Manager-Contracting and Public Works

Approved: Peter J. Hall
President

Attachment: Scope of Services