



DATE ISSUED: May 17, 2006 REPORT NO. CCDC-06-15

ATTENTION: Honorable Chair and Members of the Redevelopment Agency  
Docket of May 23, 2006

ORIGINATING DEPT.: Centre City Development Corporation

SUBJECT: Proposed First Amendment to the Agreement for Special Legal  
Counsel Services with Best, Best & Krieger, LLP – Centre City  
Redevelopment Project

COUNCIL DISTRICT(S): 2 and 8

REFERENCE: Scope of Services

STAFF CONTACT: David N. Allsbrook, Manager-Contracting and Public Works  
(619-533-7112)

REQUESTED ACTION:

Redevelopment Agency approval of the proposed First Amendment to the Agreement for Special Legal (“Condemnation”) Services with Best, Best & Krieger, LLP (“BBK”) to add \$100,000 to the compensation. The maximum compensation will not exceed \$350,000.

STAFF RECOMMENDATION:

That the Redevelopment Agency approve the First Amendment to the Agreement for Condemnation Services with BBK.

SUMMARY:

BACKGROUND

In October 2005 the Redevelopment Agency approved an Agreement with BBK for Condemnation Services. The Redevelopment Agency entered into the Agreement to provide legal services associated with the acquisition of one parcel of land required for the Renaissance Hotel Project located in the Gaslamp Quarter.

Trial in the eminent domain matter concluded in November 2005, with a jury verdict favoring the property owner. The jury verdict has been appealed on several legal issues, and the purpose of the proposed Amendment is to provide legal services during this appeal phase of the lawsuit.

PROPOSED AMENDED AGREEMENT

The proposed Amendment to the Agreement includes this provision:

- The Consultant has the background experience and potential of providing legal services during the appeal phase of the lawsuit.

FISCAL CONSIDERATIONS:

Funds are available in the Fiscal Year 2006 Gaslamp Quarter Budget for legal services. The Developer of the Renaissance Hotel Project has deposited sufficient funds with the Corporation to cover the costs of the proposed Amendment.

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

Original Agreement	(October 2005)	\$250,000
Paid to Date		(250,000)
Invoiced, Not Paid		(543)
Proposed Amendment		<u>100,000</u>
Amount Available Subsequent to the Proposed Amendment		<u>\$ 99,457</u>

CENTRE CITY DEVELOPMENT CORPORATION ACTION:

On March 29, 2006, the Centre City Development Corporation Board of Directors approved with a unanimous vote to recommend that the Redevelopment Agency approve the proposed Amendment.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

None.

CONSULTANT FIRM

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

<b>ROLE/FIRM</b>	<b>CONTACT</b>	<b>OWNED BY</b>
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<b>Legal Services Firm:</b> Best, Best & Krieger, LLP	Bruce Beach (Partner) Karen Landers (Associate)	<b>(Privately Owned)</b> Rob Hanna Shawn Hagerty Jim Gilpin Peggy Strand Arlene Prater Bruce Beach Woody Merrill Mike Cowett Dina Harris Warren Diven
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Firm Name: Best, Best & Krieger, LLP		
PRINCIPALS AND PRIMARY STAFF ASSIGNED TO CONTRACT	TITLE	PRIMARY CONTACTS
Bruce Beach Karen Landers	Partner Associate	✓

EQUAL OPPORTUNITY:

Firm Name: None		
SUBCONSULTING FIRMS	PRINCIPALS	FIRM CERTIFICATION
N/A	N/A	

BBK is one of four firms selected through an RFQ process to provide eminent domain legal services to the Redevelopment Agency. BBK is a non-certified Small Business Enterprise.

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.

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- \* (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 Opportunity Plan ("EEOP"). The EEOP was approved in January 2005 and is good for a two-year period.

#### CONCLUSION

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

Respectfully submitted,

Concurred by:

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David N. Allsbrook  
Manager – Contracting & Public Works

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Nancy C. Graham  
President

Attachments: Scope of Services