



California Environmental Quality Act (CEQA) and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is required.

### **BOARD/COMMISSION RECOMMENDATION**

Not applicable.

### **DISCUSSION**

As indicated on the attached January 7, 2014 City Council Agenda Statement (Attachment A), the City Attorney’s office previously placed advertisements in the San Diego Daily Transcript and Los Angeles Daily Journal for a Request for Qualifications/Proposal (RFQP) from attorneys and law firms to submit their qualifications and proposal to assist the City Attorney’s office in review of the transactional and environmental/entitlement work required for implementing the UPID.

The RFQP process resulted in the submission of qualifications/proposals from eleven (11) attorneys/law firms from around the state. After reviewing the qualifications/proposals, Stradling, Yocca, Carlson & Rauth, PC was selected for the transactional work, and as discussed above, has since been retained. Norton, Moore and Adams, LLP was previously selected for the environmental/entitlement work, but, also as discussed above, has withdrawn from consideration. As such, staff has again reviewed the qualifications/proposals and has determined that the Thomas Law Group is also highly qualified to assist the City Attorney’s office in review of the environmental/entitlement work required for the UPID.

City Attorney’s office staff have prepared a Legal Services Agreement (Attachment B) with Thomas Law Group so that they may begin work on the UPID. The costs for retaining the Thomas Law Group will be covered by monies deposited with the City in accordance with the Land Offer Agreements (LOAs) and a federal grant received by the City. Payment to the Thomas Law Group for work conducted will be on a “time and material basis.” Thomas Law Group’s rate is \$350/hour. This rate is very reasonable in the market given the high level of work being performed and the experience levels of the lawyers and is also commensurate with the Norton, Moore and Adams, LLP law firm rate of \$340/hour. Furthermore, the Thomas Law Group has reduced their rates because the City is a public entity and they have committed to implement measures to manage costs.

Pursuant to Municipal Code section 2.56.110(F), City Council approval is required for this Legal Services Agreement because the agreement will exceed the \$50,000 threshold authorizing the City Attorney to retain outside council services.

### **DECISION-MAKER CONFLICT**

Staff has reviewed the property holdings of the City Councilmembers and has found no property holdings within 500 feet of the boundaries of the property which is subject to this action. Staff is not independently aware, nor has staff been informed by any City Councilmember, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

### **LINK TO STRATEGIC GOALS**

The City’s Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. The proposed UPID

addresses the Economic Vitality goal in that implementation of the UPID will assist in creating a locally based professional work force within the City.

### **CURRENT YEAR FISCAL IMPACT**

There is no current year fiscal impact to the General Fund related to this agreement. The costs for retaining the Thomas Law Group will be covered by monies held on deposit for the University project which currently has a balance of approximately \$775,000. These funds are also available to reimburse for staff time and consultant costs associated with work on the UPID.

### **ONGOING FISCAL IMPACT**

If funds on deposit are exhausted prior to completion of the work associated with the subject Legal Service Agreement, staff will return to the City Council for appropriation requests and alternative funding sources.

### **ATTACHMENTS**

- Attachment A - January 7, 2014 City Council Agenda Statement
- Attachment B - Legal Services Agreement for the Environmental/Entitlement Work
- Attachment C - Resolution for Environmental/Entitlement Work