



CITY COUNCIL STAFF REPORT

MEETING DATE: September 23, 2024

ITEM TITLE: Adopt a Resolution Authorizing the City Manager to Extend a Professional Services Agreement with Burke, Williams & Sorensen LLP for On-Call Legal Services for One Year in the Amount of \$300,000, Which Includes Ratifying a Payment of Approximately \$100,000 for Work Already Completed.

RECOMMENDATION:

Staff recommends the City Council adopt a Resolution authorizing the City Manager to extend a professional services agreement with Burke, Williams & Sorensen for on-call legal services for one year in the amount of \$300,000, which includes ratifying a payment of approximately \$100,000 for work already completed.

FISCAL IMPLICATIONS:

There is no fiscal impact and no additional appropriation is needed at this time.

This agreement does not impose new fiscal obligations on the City of San Carlos, as these costs have already been budgeted. The purpose of this action is to extend the current contract with Burke, Williams & Sorensen for an additional year, on an as-needed basis. The contract does not include a retainer or guarantee of work. Services will be requested through proposals, with selection based on cost, timeliness, and approach.

BACKGROUND:

On December 14, 2022, the City entered into a professional services agreement with Burke, Williams & Sorensen for on-call legal services related to economic development and housing. The agreement expires on October 31, 2024. Due to the large amount of development review over the past two years, the total contracted amount of \$200,000 was exceeded by approximately \$100,000. Approximately 93% of the \$300,000 spent in the last two years is attributable to key development projects. This current request is for \$200,000 for one additional year.

ANALYSIS:

The City is evaluating several projects requiring specialized legal services, including eminent domain proceedings, disposition and development agreements, and below-market rate housing transactions. As projects like the Alexandria development and other property acquisitions progress, these specialized legal services are increasingly necessary. Burke, Williams & Sorensen has been providing these services on an on-call basis, enabling staff to advance projects efficiently and effectively. The agreement with Burke, Williams & Sorensen originally included a limit of \$200,000 for two years, with most costs reimbursed by developers. An

extension of the agreement term will allow continued support, and the increase to \$200,000 for this year will assist with any unanticipated expenses.

A portion of this request is to ratify payments totaling approximately \$100,000 for work that has already been completed. Therefore, the total request is for \$300,000.

Special counsel will work under the direction of, or in consultation with, the City Attorney.

A request for proposals (RFP) will be issued in the coming year for future on-call legal services.

ALTERNATIVES:

The alternatives available to the City Council include:

1. Adopt a Resolution authorizing the City Manager to extend a professional services agreement with Burke, Williams & Sorensen LLP for on-call legal services for one year in the amount of \$300,000 which includes ratifying a payment of approximately \$100,000 for work already completed; or
2. Do not adopt the Resolution; or
3. Provide staff with alternative direction.

Respectfully submitted by:

Al Savay, Community Development Director

Approved for submission by:



Jeff Maltbie, City Manager

ATTACHMENT(S):

1. Resolution
2. 2022 Original Agreement with Burke, Williams & Sorensen, LLP