

RESOLUTION NO. 2009-632

Adopted by the Sacramento City Council

October 13, 2009

APPROVING SECOND AMENDMENT TO AGREEMENT FOR LEGAL SERVICES WITH MILLER, OWEN & TROST FOR SACRAMENTO INTERMODAL TRANSPORTATION FACILITY SITE ACQUISITION (T15029001).

BACKGROUND

- A. The City Attorney approved an Agreement for Legal Services, City Agreement No. 2007-0579, with Miller Owen and Trost for the Sacramento Intermodal Transportation Facility Site Acquisition Project (T15029001) in January 25, 2007. On May 6, 2008, the City Council approved amending that agreement to increase the total consideration to \$450,000.
- B. There is a need to re-engage the two appraisers and all of the consultants who prepared reports regarding the valuation of the Railyards Parcels A and B to serve as expert witnesses at the upcoming arbitration hearing. Since there is excess funding under the Agreement for Legal Services and it is preferable if those appraisers and consultants were directly under contract to our outside counsel, it is desirable to amend the existing ~~Agreement for Legal Services to allow for such subcontracting and to increase the total consideration by \$125,000, for a revised total amount not to exceed \$575,000.~~
- C. There are adequate funds available in the Sacramento Intermodal Transportation Facility Site Acquisition Project (T15029001) for the proposed amendment.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Attorney is authorized to execute the Second Amendment to Agreement for Legal Services (City Agreement No. 2007-0579) with Miller, Owen & Trost for the Sacramento Intermodal Transportation Facility Site Acquisition Project (T15029001) to increase the total consideration by \$125,000, for a total amount not to exceed \$575,000, and to allow for Miller, Owen & Trost to contract with the appraisers and consultants who prepared reports related to the valuation of the Railyards Parcels A and B to support the upcoming arbitration.
- Section 2. The City Attorney's authority for City Agreement No. 2007-0579 is hereby reset.

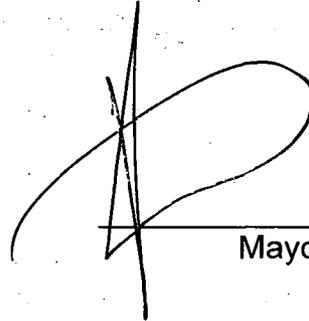
Adopted by the City of Sacramento City Council on October 13, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, Pannell, Sheedy, Tretheway, and Mayor Johnson.

Noes: Councilmember McCarty.

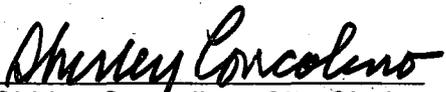
Abstain: None.

Absent: Councilmember Waters.

A handwritten signature in black ink, consisting of a large, stylized 'K' and 'J' intertwined, positioned above a horizontal line.

Mayor Kevin Johnson

Attest:


Shirley Concolino, City Clerk