



DATE: December 14, 2021

CATEGORY: Consent

DEPT.: City Attorney's Office,
Community Development

TITLE: **Additional Expenditures for Legal Services by Burke, Williams & Sorensen, LLP**

RECOMMENDATION

Authorize additional expenditures by the Community Development Department in an amount not to exceed \$125,000, for a total not-to-exceed amount of \$426,100, for outside legal services performed by Burke, Williams & Sorensen, LLP, associated with Notice of Funding Availability projects, Lot 12, general matters related to housing programs and transactions, general planning, and land use, including services for Google Master Plan projects.

ANALYSIS

On September 28, 2021, the City Council approved authorization of expenditures for an agreement with Burke, Williams, & Sorensen, LLP (BWS), in a not-to-exceed amount of \$301,100. Since that time, staff has determined additional legal services will be needed pertaining to both the Google Middlefield Park Master Plan and the Google North Bayshore Master Plan. Each of these projects involves the negotiation and preparation of a development agreement and requires extensive evaluation and analysis of complex issues to ensure each project is compliant with current housing and land use laws and the requirements of the East Whisman and North Bayshore Precise Plans.

City Council Policy A-10 requires Council authorization for compensation in excess of \$100,000. The legal services associated with the two Google Master Plans is estimated to be \$125,000. This would bring the total BWS agreement to a not-to-exceed amount of \$426,100. Staff requests Council authorization for this amount.

FISCAL IMPACT

The funding for the additional \$125,000 will be fully paid for by the developer. No additional City funding is required.

ALTERNATIVES

1. Do not authorize the expenditures requested.
2. Provide other direction to staff.

PUBLIC NOTICING – Agenda posting.

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