



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Jason Simpson, City Manager

Prepared by: Barbara Leibold, City Attorney

Date: October 22, 2024

Subject: Amendment No. 1 to the Engagement and Fee Agreement with Murphy & Evertz, LLP

Recommendation

Approve and authorize the City Manager to execute Amendment No. 1 to the Engagement and Fee Agreement with Murphy & Evertz, LLP, to provide special counsel services to the City in such final form as approved by the City Attorney.

Background

The City entered into an Engagement and Fee Agreement dated February 27, 2024 with the law firm of Murphy & Evertz, LLP to provide special counsel services in connection with the acquisition of real properties identified by the City from time to time (the "Original Agreement"). By Resolution No. 2024-37, dated July 9, 2024, the City Council authorized the City Attorney to retain Murphy & Evertz LLP to represent the City in connection with the condemnation of certain easements necessary for the Murieta Creek Trail project.

Discussion

Staff is requesting the City Council approve Amendment No. 1 to the Engagement and Fee Agreement to authorize Murphy & Evertz LLP to continue to provide special counsel services as requested by the City, which may include pre-condemnation planning, consultation and condemnation litigation, including strategic and tactical advice, court appearances, discovery, pleadings and other representation up to and including trial. Murphy & Evertz LLP has provided excellent services to the City, and continuity is important to complete the actions necessary to acquire the Murrieta Creek Trail easements and such other property interests as the City may deem necessary in the future in connection with other projects.

Fiscal Impact

Funds to pay for legal services in connection with the acquisition of the Murietta Creek Trail Project Easements are available and will be paid from Active Transportation Program Grant funds. Legal services for property acquisition related to other projects will be programed from such project budgets or the City's Operating Budget or CIP prior to the commencement of such legal services.

Attachments

Attachment 1 – Amendment No. 1
Attachment 2 – Original Agreement