

Council Meeting of  
May 5, 2009

Honorable Mayor and Members  
of the Torrance City Council  
City Hall  
Torrance, California

**Members of the Council:**

**SUBJECT: City Attorney - Approve Fee Amendment for legal fees  
Expenditure: \$35,000**

**RECOMMENDATION**

Recommendation of the City Attorney that the City Council approve the Amendment to Fee Agreement (C2008-234) with the law firm of Rutan & Tucker to provide legal services to the City with regard to eminent domain acquisitions for the Del Amo Extension project for an additional \$35,000 for a total contract amount not to exceed \$70,000.

**Funding**

Funding is available in project T-30 Del Amo Boulevard Extension Project

**BACKGROUND AND ANALYSIS**

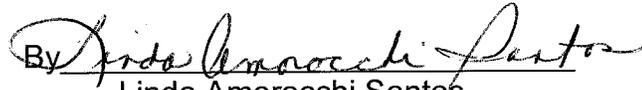
The City Manager entered into a Fee Agreement on October 1, 2008, with the law firm of Rutan & Tucker in the amount of \$35,000 to provide legal services pertaining to the eminent domain acquisitions for the Del Amo Extension project.

Additional funding in the amount of \$35,000 is necessary to finalize negotiations for this project.

The City Attorney recommends that the City Council approve the Amendment to the Fee Agreement with Rutan & Tucker in an additional amount of \$35,000 for a total contract amount not to exceed \$70,000.

Respectfully submitted,

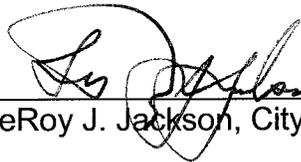
John L. Fellows III, City Attorney

By   
Linda Amorocchi Santos  
Law Office Administrator

CONCUR:

  
John L. Fellows III, City Attorney

NOTED;

  
LeRoy J. Jackson, City Manager

Attachment A: Amendment to Fee Agreement

**FIRST AMENDMENT TO FEE AGREEMENT FOR LEGAL SERVICES**

This First Amendment to Fee Agreement for legal services ("Amendment") is made and entered into as of March 1, 2009, by and between the **CITY OF TORRANCE**, a municipal corporation ("CITY"), and **RUTAN & TUCKER**, a limited liability partnership ("FIRM").

**RECITALS:**

- A. CITY and FIRM entered into a Fee Agreement for Legal Services ("Fee Agreement") on October 1, 2008, in the amount of \$35,000. A copy of that Fee Agreement for Legal Services is attached as Exhibit A (Contract No. C2008-234).
- B. FIRM advised that an additional \$35,000 is required to fund the eminent domain acquisitions for the Del Amo Extension project.

**AGREEMENT:**

1. Services to be Performed by FIRM.  
FIRM will provide the services set forth in the Fee Agreement attached as Exhibit A and incorporated into this First Amendment by this reference. FIRM warrants that all services set forth in the Fee Agreement and this Amendment will be performed in a competent, professional and satisfactory manner.
2. FIRM's Fee.  
For services rendered pursuant to this First Amendment, FIRM will be paid in accordance with the Fee Agreement; provided, however, that in no event will the total amount of money paid the FIRM, for services contemplated by this Amendment, exceed the sum of **\$70,000** unless otherwise first approved in writing by CITY.
3. Conflict of Interest.  
FIRM warrants that all necessary conflict clearances have been obtained.

4. Business License.

FIRM will not be required to obtain a City business license.

CITY OF TORRANCE,  
a municipal corporation

RUTAN & TUCKER,  
a limited liability partnership

By: \_\_\_\_\_  
Frank Scotto,  
Mayor

By: \_\_\_\_\_  
M. Katherine Jenson,  
Partner

ATTEST:

\_\_\_\_\_  
Sue Herbers, City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III  
City Attorney

By: \_\_\_\_\_

Exhibit A) Fee Agreement

October 1, 2008

**VIA ELECTRONIC MAIL**

John L. Fellows, City Attorney  
City of Torrance  
3031 Torrance Boulevard  
Torrance, CA 90503

Re: Fee Agreement for Legal Services -- Del Amo Extension Acquisition

Dear John:

Pursuant to the request of Linda Santos, this letter will serve as Rutan & Tucker, LLP's fee agreement for legal representation rendered to the City with regard to eminent domain acquisitions for the Del Amo Extension. This contract is for the amount of \$35,000.

The hourly rate Rutan & Tucker will charge the City for legal services is the standard hourly rates of attorneys in our office which begin at \$190 per hour, with a cap of \$300 per hour. Paralegals are billed at an hourly rate of \$125 per hour, and documents clerks are billed at \$45 per hour. Under this proposal, the City would be charged either the attorney's standard hourly rate, or the cap rate, whichever is less. Dave Cosgrove is the lead attorney working on this matter.

Rutan & Tucker also requires reimbursement for various costs incurred in performing legal services, including long distance telephone charges for calls outside the Los Angeles/Orange County area, postage, parking, out-of-town travel expenses (not mileage), duplication (@ 19¢ per page), telecopying, messengers, computer-assisted research (e.g. LEXIS), and other out-of-pocket expenses.

Detailed monthly invoices will be sent directly to you.

If this proposal is acceptable to the City, please execute and return a copy of this letter to me.

C2008-234

**COPY**

**RUTAN**  
ATTORNEYS AT LAW

John L. Fellows, City Attorney  
October 1, 2008  
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If you have any questions regarding this proposal, please call me at 1-800-76RUTAN.

Very truly yours,

RUTAN & TUCKER, LLP

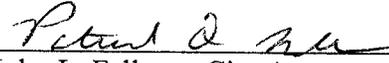


M. Katherine Jensen

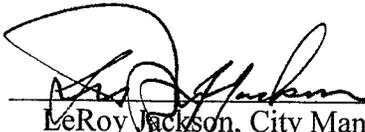
MKJ:lr

The City of Torrance accepts the above proposal.

Dated: 12/8/08

By:   
John L. Fellows, City Attorney  
City of Torrance

Dated: 9 Dec 2008

By:   
LeRoy Jackson, City Manager  
City of Torrance