

TO: City Council
FROM: Bill Lindauer, Engineering Services Manager
DATE: January 16, 2024
SUBJECT: Service Provider Agreement with Kenyon Disend, PLLC, for Right-of-Way Legal Services, Amendment No. 4

1) Recommended Action:

Staff recommends the City Council approve and authorize the Mayor to sign the Fourth Amendment to Professional Services Agreement for Right of Way Legal Services – Capitol Blvd / Trosper Rd Improvements Project with Kenyon Disend, PLLC, for a total compensation not to exceed \$150,000. This was recommended for approval by the Public Works Committee at their December 7, 2023, meeting.

2) Background:

Kenyon Disend, PLLC has been providing legal services for acquisition of right of way needed for the I-5 / Trosper Rd / Capitol Blvd Reconfiguration project. The original Agreement in 2020 provided for \$50,000 in compensation. The First Amendment increased the contract amount by \$25,000 for a total compensation of \$75,000. The Second Amendment increased the contract amount by \$75,000 for a total compensation not to exceed \$150,000. The Third Amendment increased the hourly rate of compensation, beginning January 1, 2023. This Fourth Amendment extends the term until December 31, 2024, and increases the hourly rate of compensation, beginning January 1, 2024.

Although staff does not anticipate further need for right-of-way legal services for this project, the Amendment allows for additional work should the need arise.

3) Policy Support:

C. Create and maintain a transportation system safe for all modes of travel.

4) Alternatives:

☐ Recommend a different total compensation amount.

5) Fiscal Notes:

Funds for this agreement are provided in the I-5 / Trosper Rd / Capitol Blvd Reconfiguration project, included in the Transportation Capital Facilities Plan budget.

6) Attachments:

A. Fourth Amendment to Professional Services Agreement