APPROVE RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO AN AGREEMENT FOR LEGAL SERVICES WITH THE FIRM OF BUCHALTER NEMER, INC.

RECOMMENDATION

It is recommended that the City Council adopt a resolution approving an Agreement for Legal Services with Buchalter Nemer, Inc.

Summary

Buchalter Nemer, Inc., brings a high level of current relevant experience in the field of Senate Bill 5 (SB 5) compliance and general plan development that is needed to assist the City in its current efforts surrounding SB 5 and other activities as the need arises.

DISCUSSION

Background

The Central Valley Flood Protection Act of 2008, enacted by Senate Bill 5 (SB 5), was approved in 2007. This legislation focused on flood requirements for the Sacramento-San Joaquin Valley, which includes the City of Stockton. Flood requirements are primarily tied to land use planning decisions and the consideration of potential flood risk related to the occurrence of a 200-year flood event. SB 5 requires each city and county within the Sacramento-San Joaquin Valley, including charter cities like Stockton, to amend its general plan to include data and analysis from the Flood Protection Plan and goals and polices for the protection of lives and property that will reduce the risk of flood damage from a 200-year flood event. The City must also amend its zoning ordinance within 12 months of July 2015 to conform to the newly adopted general plan policy as there may be a future impact on development as a result of the State statute. The City is evaluating multiple approaches and strategies to address the different geographic and hydrologic areas of the city.

The City needs to hire outside counsel from time to time to handle special, complex legal matters, such as the issues surrounding SB 5 compliance. Section 1306 of the City Charter authorizes the Office of the City Attorney to retain or employ outside counsel with the approval of the City Council.

Present Situation

The City is currently involved in a process of addressing the issues raised by SB 5. This includes compliance with the statutory requirements for enhanced flood control and the related issues arising from the current general plan update process. In the last year since the General Plan amendment, city staff has participated in joint meetings with Reclamation District 17 (RD17), San Joaquin Area Flood Control Agency (SJAFCA), and the Cities of Lathrop, Manteca and San Joaquin County on
coordinated flood control efforts for the jurisdictional boundaries of RD 17 (Weston Ranch within the City of Stockton). City staff has also been coordinating efforts with the Cities of Sacramento, Elk Grove, San Joaquin County, and Sacramento County to discuss common approaches and strategies that could be applicable and undertaken throughout the City of Stockton. Compliance with SB 5 is a complex undertaking and requires a coordinated effort within the region. Buchalter Nemer, Inc., is heavily involved in the SB 5 process in San Joaquin County and can therefore provide a level of depth and coordination that is unique and will prove beneficial to the City. The firm’s hourly rates and other fees are reasonable and extremely competitive as compared with other firms of its size and areas of expertise. It is expected that the City will primarily work with Alicia Guerra, a shareholder in the firm, whose practice emphasizes complex land use and planning law.

FINANCIAL SUMMARY

Legal services will be billed on project basis pursuant to the rates set forth in the Agreement. The fees will be paid through the budget for planning and related SB 5 activities or the legal services budget of the City Attorney (010-1401).