

First **Amendment to Standard City of San José Legal Services Agreement**

Second

Attorney's Name: Gatzke Dillon & Ballance LLP

Third

(Standard Agreement AC No. 665224)

This Amendment is made and entered into on May 2, 2022. The City and Attorney amend the above-referenced agreement as set forth herein.

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1. Capitalized words in this Amendment have the same meaning as in the Agreement.
 2. The provisions of this Agreement (including any previous amendments) not modified by this Amendment remain in full force and effect.
 3. The provisions of this Amendment are effective upon execution of the Amendment by both parties.
 4. **Agreement Term:** Section 2 is amended to extend the expiration date from June 30, 2022 to June 30, 2023.
 5. **Maximum Total Compensation:** Subsection 10.1 is amended to Increase Decrease the Maximum Total Compensation from \$_____ to \$_____.
 6. **Agreement Section(s):** Section(s) _____ is/are amended to read as set forth in Attachment A of the Amendment.
 7. **Scope of Basic Services – Exhibit A:** The original First Revised Second Revised Exhibit A is amended to read as set forth in the attached First Second Third Revised Exhibit A, which is incorporated by reference into this Amendment.
 8. **Compensation – Exhibit B:** The original First Revised Second Revised Exhibit B is amended to read as set forth in the attached First Second Third Revised Exhibit B, which is incorporated by reference into this Amendment.
 9. **Additional Services:** The Attorney is authorized to perform the Additional Services set forth in the attached Additional Services Exhibit, which is incorporated by reference into this Amendment.
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This Amendment is executed by the authorized representatives of the City and Attorney as follows:

City of San José

By *Nora Frimann* May 2, 2022
Nora Frimann (May 2, 2022 21:12 PDT)
Name: Nora Frimann **Date**
Title: City Attorney

Attorney

By *Lori D. Ballance* May 2, 2022
Lori Ballance (May 2, 2022 13:10 PDT)
Name: Lori D. Ballance **Date**
Title: Partner

Approval as to Form (City Attorney):

Form Approved by the Office of the City Attorney.

(Maximum Total Compensation, as amended, is \$100,000 or less, and the provisions of the form are not altered.)

Approved as to Form:
J. Phan May 2, 2022
Johnny Phan (May 2, 2022 18:06 PDT)
Johnny Phan **Date**
Chief Deputy City Attorney

First

Second

Revised Exhibit A: Scope of Basic Services

Third

This revised Exhibit A is an attachment to the First Second Third amendment to Agreement.

The tasks set forth in the original Exhibit A, or in any previous amendment to the original Exhibit A, are amended as follows:

Task No. 3, entitled “Overflow Planning Services”, is amended to read as follows:

- A. Services:** On-Call legal services pertaining to CEQA and land use matters.
- B. Deliverable:** At the direction of the City Attorney, or an authorized deputy of the City Attorney, Attorney shall provide legal services and advice, including, but not limited to:
1. Land use matters may include providing advice on interpretation and application of local, state and federal laws and regulations related to land use;
 2. Review and draft resolutions and ordinances;
 3. Rendering legal opinions as necessary;
 4. Attend meetings and participate in telephone conference calls with City staff and the City Attorney, as necessary;
 5. Regularly communicate with and keep the City Attorney informed of communications with and advice requested by staff; and
 6. Other related issues as may arise.
- C. Completion Time:** The Attorney must complete the services and deliverable for this task in accordance with whichever one of the following times is marked:
- On or before the following date: June 30, 2023.
- On or before _____ Business Days from _____.

City of San José Contract/Agreement Transmittal Form

Route Order

Attached / Completed

Electronically Signed

TO: City Attorney
 City Manager
 City Clerk **OR** Return to
Dept. (circle one)

Insurance Certificates / Waivers Electronically Signed: Yes
 Business Tax Certificate Audit Trail Attached (if applicable)
 Contacted Clerk re: Form 700 Scanned Signature Authorization
 Supplemental Memorandums (if applicable): Select One

Type of Document: Amendment

Type of Contract: Professional Services

REQUIRED INFORMATION FOR ALL CONTRACTS:

Existing GILES # 665224-003

Contractor: Gatzke, Dillon & Ballance LLP

Address: 2762 Gateway Road, Carlsbad, CA 92009

Phone: (760)431-9501

Email: lballance@gdandb.com

Contract Description: Third Amendment to Legal Services Agreement related to environmental review, CEQA, and planning services

Term Start Date: 9/27/19 Term End Date: 6/30/23 Extension: Yes

Method of Procurement: RFQ RFB, RFP or RFQ No.: 14-15-CAO-01 Date Conducted: 10/6/14

Agenda Date (if applicable): _____

Agenda Item No.: _____

Resolution No.: _____

Ordinance No.: _____

Original Contract Amount: \$130,000

Amount of Increase/Decrease: n/a

Option #: ___ of ___ Option Amount: _____

NTE/Updated Contract Amount: _____

Fund/Appropriation: 34944182033 / 001440000504052 / 001580610434052

Form 700 Required (Selection mandatory for processing): No

Revenue Agreement: No

Tax Certificate No.: 1179477400


Expiration Date: 5/15/22

Department: Attorney (44)

Department Contact: Kara Lamm

Customer (Finance Only): _____

Notes:

Department Director Signature:  May 2, 2022
Nora Frimann (May 2, 2022 21:12 PDT) Date

Office of the City Manager Signature: _____
Date