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DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

927 10th STREET, STE. 100
SACRAMENTO, CA
95814-2700

PROJECT DELIVERY DIVISION

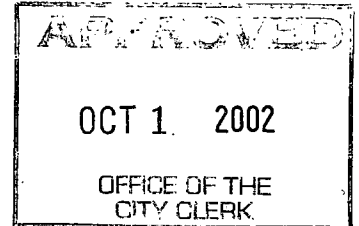
PH. (916) 264-8300
FAX (916) 264-8281

September 11, 2002

City Council
Sacramento, California

Honorable Members in Session:

AG 2002-181



SUBJECT: APPROVAL OF CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT ON THE HISTORIC SOUTHERN PACIFIC STATION SITE ACQUISITION (CF40)

LOCATION AND COUNCIL DISTRICT: Fifth and I Streets, Council District 1.

RECOMMENDATION:

This report recommends that the City Council authorize the City Attorney to execute a Professional Services Agreement with Kronick Moskovitz Tiedemann & Girard to provide legal counsel with respect to the Historic Southern Pacific Station Site Acquisition.

CONTACT PERSON: William P. Carnazzo, Chief Assistant City Attorney, 264-5346
Darlene Mathis, Project Manager, 264-5528

FOR COUNCIL MEETING OF: October 1, 2002.

SUMMARY:

On June 26, 2001, City Council established a Capital Improvement Project to commence preliminary appraisal studies, design, and construction of improvements of the Rail Depot (PN: CF40). During the past year, due diligence studies were completed on the Station, REA building and the adjoining land. Because of the complexities associated with the Public Utilities Commission (PUC) process and rail development, the project lends itself to outside counsel that specializes in dealing with acquisition of railroad-owned land for purposes of municipal redevelopment.

This report requests authorization to proceed with legal counsel to research, brief, and assist the City in its effort to pursue acquisition of the depot, Railway Express Agency (REA) building, and the adjoining land comprising of approximately 6 acres located south of the platform tracks, bounded by the City's Lot W on the west, 5th Street to the east, and "I" Street to the south. In addition, the City is seeking legal advice and counsel on issues relating to the consent of the Public Utilities Commission, and/or filing and prosecuting an eminent domain lawsuit, in the event negotiations are not successful. The City Attorney and the City Manager, after considering a number of firms that responded to a solicitation, have selected the Kronick firm as the best firm for this project.

COMMITTEE/COMMISSION ACTION:

None

BACKGROUND INFORMATION:

- On May 22, 2001 (resolution No. 2001-313), the City Council directed staff to explore pursuing ownership of the Depot, REA building, and adjacent parking lot. This six acre site contains the existing intermodal transit hub which services 24 passenger trains a day and numerous Amtrak and RT buses, taxi cabs, and shuttles. Acquisition would be intended to provide and protect improvements to the transit operations, and allow the City to ensure that the public transit complex, which is on the National Register of Historic Sites and Structures, is maintained in public ownership.
- On June 26, 2001, a Capital Improvement Project was established (Resolution No. 2001-467) to commence the analysis and pre-construction aspects, design, preliminary appraisal studies, environmental assessments and improvements of the Rail Depot Project (PN- CF40). At this time, staff indicated that Council approval for specific actions would be obtained as needed.
- These above activities were contingent upon Union Pacific approving right of access received September 21, 2001.
- On December 26, 2001, City Council authorized the City Manager to execute a professional Services agreement with Simpson Gumpertz & Heger (SGH) for the structural retrofit analysis and due diligence survey of the Southern Pacific Station and REA building. The due diligence survey consisted of structural engineering and analysis, building conservation, waterproofing strategies, geotechnical testing, costs estimates, and reports. On May 7, 2002, SGH completed the comprehensive studies and analysis of engineering, conservation, cost estimates, and reports.
- On June 13, 2002, Jeff Ridolfi, MAI of Clark – Wolcott Company completed and delivered the appraisal report on the depot property to the City of Sacramento.

- On June 7, 2002, The City Attorney sent an RFP for legal services to four (4) firms experienced in acquisitions of railroad-owned land. Three proposals were received on July 8, 2002, and reviewed by a consultant selection team consisting of representatives from the City Attorney, Public Works, and Economic Development. On August 16, 2002 a final interview was done with Kronick, Moskovitz, Tiedemann, & Girard. Their firm was selected as the most qualified.
- The legal counsel scope of services has been described in phases that relate to the overall negotiations and settlements. The first task relates to matters of the Public Utilities Commission and advising the City Attorney on pre-eminent domain issues. The second task would include filing and prosecuting an eminent domain action against Union Pacific through trial if a settlement cannot be negotiated. The last task would include comprehensive settlement negotiations for acquisition of the property and the costs could range due to the many variables and extent of the City Attorney's involvement. Because of the complexities of the case, it is difficult to accurately estimate the work, and the contract has a cap of \$150,000, subject to amendment, if needed.

FINANCIAL CONSIDERATIONS:

The current project budget is \$225,000. As of September 30, 2002, the Southern Pacific Depot Acquisition (PN:CF40) has an unobligated balance of \$166,000, which is sufficient to cover the agreement.

ENVIRONMENTAL CONSIDERATIONS:

The Environmental Services Manager has determined that the execution of a professional services agreement is not a project as defined by the California Environmental Quality Act (CEQA), Section 15378 (b)(2). The execution of a professional services agreement for legal counsel is a continuing administrative personnel-related action not subject to CEQA. However, the acquisition and site improvements will require future discretionary approval in order to proceed. At the time of final action, appropriate CEQA environmental review documentation will also be completed.

POLICY CONSIDERATIONS:

The Council action recommended in this report supports the following City Strategic Plan Goals:

- Enhance and preserve the neighborhoods.
- Establish and strengthen community and regional partnerships to enhance the quality of life.
- Promote and support economic vitality.
- Improve and diversify the transportation system.

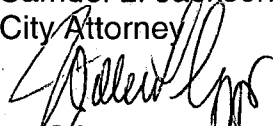
City Council
Historic Southern Pacific Station Site Acquisition (CF40)
September 11, 2002

ESBD CONSIDERATIONS:

The following three experienced firms; Hyde, Miller, Owen, & Trost, Atchison, Barisone, & Condotti, Kronick, Moskowitz, & Tiedemann were selected from the City Attorney's consultant list. None of the firms are ESBD certified.

Respectfully submitted,

Samuel L. Jackson
City Attorney



RECOMMENDATION APPROVED:



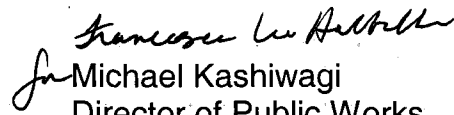
Robert P. Thomas
City Manager

P/Active/CF40Depot Acquisition/Council Letters/CF40 Draft Report 9.11.02 Final

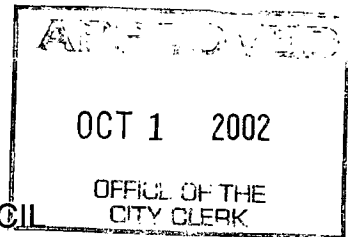


Francesca Lee Halbakken
Project Delivery Manager

Approved:



Michael Kashiwagi
Director of Public Works



RESOLUTION NO. 2002-660

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

A RESOLUTION APPROVING THE CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT FOR LEGAL COUNSEL ON THE HISTORIC SOUTHERN PACIFIC STATION SITE ACQUISITION (PN: CF40)

WHEREAS, the City of Sacramento has determined the need to explore pursuing ownership of the Southern Pacific Station (Depot), Railway Express Agency (REA) Building, and adjacent parking lot.

WHEREAS, the City of Sacramento has determined the need to obtain consultant and professional services for legal counsel to assist staff in all aspects of the potential acquisition and participation in negotiations with the Union Pacific Railroad Company.

WHEREAS, the Environmental Coordinator has determined that the execution of a professional services agreement is not a project as defined by the California Environmental Quality Act (CEQA), Section 15378 (b)(2).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

The City Manager is hereby authorized and directed to execute an agreement approving the consultant and professional services agreement with Kronick Moskovitz Tiedemann & Girard in the amount of \$150,000 for legal counsel for the Southern Pacific Station site acquisition.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____

14.1c

**KRONICK
MOSKOVITZ
TIEDEMANN
& GIRARD**

ATTORNEYS AT LAW

- Stanley W. Kronick
- Edward J. Tiedemann
- Frederick G. Girard
- Lloyd Hinkelman
- Clifford W. Schulz
- Robert E. Murphy
- Janet K. Goldsmith
- Robin Leslie Stewart
- Robert S. Shelburne
- Paul W. Tozer
- Ruthann G. Ziegler
- William A. Kershaw
- Robert A. Rundstrom
- Michael A. Grob
- P. Addison Covert
- Jan K. Damesyn
- Ann M. Murray
- Dorothy S. Landsberg
- Ann M. Siprelle
- James P. Wiesel
- Jonathan P. Cristy
- Michael F. Dean
- Lyle W. Cook
- Bruce A. Scheidt
- Anthony B. Manzanetti
- Thomas W. Barth
- Scott A. Morris
- Mark A. Wasser
- Daniel J. O'Hanlon
- Jeffrey A. Mitchell
- William T. Chisum
- Marilyn L. Jacobs
- Cynthia L. Knighton
- Pauline C. Terrelonge
- Susan R. Denious
- Holly Pearson
- Anthony W. Cresap
- Mark J. Tamblyn
- Stuart C. Talley
- Shelly L. Renner
- Jonathan P. Hobbs
- Laura A. Izon
- Amelia T. Minaberrigarai
- Eric N. Robinson
- Kevin M. Dollison
- Irene L. Nubla
- Bruce M. Timm
- Gregory J. Fisher
- Karen Daubendiek
- Howard "Chip" Wilkins, III
- Andrew P. Pugno
- Roman Munoz
- Sarah D. Domich
- Constantine C. Baranoff

OF COUNSEL

- Charles A. Barrett
- Leonard M. Friedman (RETIRED)

**Proposal to provide
legal services to:
Sacramento City
Attorney**

Historic Rail Depot Site Acquisition

July 8, 2002

Submitted to:

Samuel L. Jackson

City Attorney

City of Sacramento

980 Ninth Street, Tenth Floor

Sacramento, CA 95814-2736

Submitted by:

Mark A. Wasser

on behalf of

**KRONICK
MOSKOVITZ
TIEDEMANN
& GIRARD**

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Sacramento, CA 95814

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070802

KRONICK
MOSKOVITZ
TIEDEMANN
& GIRARD
A PROFESSIONAL CORPORATION

MARK A. WASSER
ALSO ADMITTED IN NEVADA

July 8, 2002

VIA HAND DELIVERY

Shana S. Faber
Senior Deputy City Attorney
City of Sacramento
980 Ninth Street, 10th Floor
Sacramento, California 95814-2736

Re: Legal Services; Historic Rail Depot Site Acquisition

Dear Ms. Faber:

Thank you for your letter of June 7, 2002 regarding the City's anticipated acquisition of the Historic Rail Depot Site. We are interested in assisting the City Attorney with this work and we are pleased to submit this proposal for your consideration. I will be primarily responsible for the work that we do and will be assisted by Michael F. Dean. Mr. Dean and I are both shareholders with the firm and we both have considerable experience in public agency representation and litigation.

Included at Tab A is a brief description of the firm along with brief descriptions of certain departments.

In addition to the qualifications and experience described on my resume, I have substantial experience with the two specific matters you identify in your letter. I have experience with the acquisition of public utility property by a city. I have researched and briefed the exact question you list as your first issue: Whether a city is required to obtain the consent of the Public Utilities Commission before filing an eminent domain action in Superior Court. I have provided advice on the applicable procedures and am familiar with this subject and welcome the opportunity to work with the City Attorney on it.

On the second matter you identify in your letter, I have considerable pre-eminent domain and eminent domain experience, representing both condemning agencies and condemnees. I have tried eminent domain cases to verdict before a jury and have handled eminent domain matters on appeal. I have represented parties in eminent domain proceedings from San Diego to Modoc Counties.

Among my more relevant experience, I was special counsel to the City of Las Vegas from 1989 to 1999 and represented the City and its redevelopment agency in the acquisition of approximately 120 parcels by eminent domain. I handled all aspects of the cases,

Shana S. Faber
Senior Deputy City Attorney
July 8, 2002
Page 2

from preliminary negotiations through filing, discovery, settlement, trial and appeal. Some of the cases were politically sensitive and involved high profile parties, including one case that involved acquiring a block in downtown Las Vegas that was partly owned by a former United States Senator from the State of Nevada.

Perhaps my most relevant experience is the work I did for the City of Las Vegas in connection with the City's acquisition and development of the Union Pacific Railyard and adjacent parcels in Downtown Las Vegas. The site is approximately 220 acres. I worked directly with Union Pacific's General Counsel in Omaha, Nebraska and negotiated highway underpass agreements, a "shoefly" agreement for the temporary relocation of the Union Pacific mainline tracks, development issues pertaining to the Railyard and the resolution of litigation and threatened litigation by the Railroad and other parties involving the development of the Railyard and adjacent parcels. I enjoy a good working relationship with Union Pacific's General Counsel.

I am confident that I can provide the City Attorney with excellent representation on the matters you describe in your letter.

Mr. Dean is the former City Attorney of the City of Roseville and is the current City Attorney of the cities of Dixon and Plymouth. Mr. Dean also has considerable eminent domain experience. Further, he has served as general counsel to the redevelopment agencies of the cities of Roseville, Plymouth and Dixon. Mr. Dean has experience before the Public Utilities Commission and has participated in PUC hearings.

Because of the relative complexity and sophistication of the work, we anticipate that Mr. Dean and I will do the majority of it ourselves. If it is possible to delegate discreet tasks to other lawyers without compromising the quality of the service we provide, we will do so in order to provide the City Attorney with the best product at the most economical expense. Other lawyers who may assist us include Robert Murphy (who is a senior shareholder), Andy Pugno, Jonathan Hobbs and Kevin Dollison (who are associates). Resumes of all attorneys mentioned are included at Tab B of this proposal.

We will agree to cap all shareholder rates at \$200 an hour and Mr. Dean, I and Mr. Murphy, if he is involved, will limit our rates accordingly. The rates of other attorneys, to the extent their services are employed, will be capped at \$160 an hour.

As you can imagine, it is difficult to accurately estimate the cost of legal work, however, we believe that we should be able to research and brief the issue of whether the City is required to obtain the consent of the Public Utilities Commission before filing an eminent domain action in Superior Court for a fee that will not exceed \$10,000.

Shana S. Faber
Senior Deputy City Attorney
July 8, 2002
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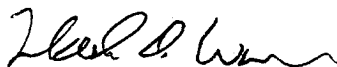
The second task is much larger in scope and much more difficult to estimate. We believe the cost of filing and prosecuting an eminent domain action against Union Pacific through trial would likely exceed \$100,000. Advising the City Attorney on pre-eminent domain issues is a relatively discreet assignment, however, and, depending upon the amount of staff work involved and the number of bi-weekly meetings we attend, should not exceed \$25,000. Both of these estimates will depend on the extent of involvement by the City Attorney's Office.

We are not able to meaningful estimate the cost of settlement negotiations with the Railroad because there are too many variables. In our experience, meaningful settlement negotiations in an eminent domain context require solid valuation information, which frequently requires that an independent fee appraisal first be obtained. On special use property like the Union Pacific site, other consultants may prove indispensable. Retaining, instructing and working with multiple consultants in the context of complex settlement negotiations can be a lengthy and costly process. We believe the legal fees associated with comprehensive settlement negotiations for acquisition of the property will be substantial and, like the other estimates, will depend on the extent of the City Attorney's involvement. It is likely that the cost will range upwards of \$50,000. We assume this cost would be in lieu of the costs of trial, however.

We very much appreciate and thank you for being asked to submit this proposal. We want to work with the City Attorney on it and we are available to start work immediately. We have done a preliminary conflict check and we are conflict free. We are available to meet with you and other City officials to discuss this in greater detail at your convenience.

Very truly yours,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation



Mark A. Wasser

MAW/svw

Enclosure
cc: Michael F. Dean
Robert E. Murphy

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Firm History

Firm History

Kronick Moskowitz Tiedemann & Girard was established in 1959 with a focus on water and water-related resource law. Founders Stanley Kronick and Adolph Moskowitz first met in 1950 as staff attorneys for the U.S. Bureau of Reclamation, where they formulated a water allocation plan that reversed California's water policy and became the basis for the water and hydroelectric projects implemented by Governor Edmund G. Brown.

The complexity of legal and governance issues related to water quickly led KMTG into other areas of public agency laws, intensifying the firm's experience throughout the complicated network of regulatory agencies and at every level of the state and federal court systems, including the United States Supreme Court. As the firm's expertise expanded, the diversity of its client base grew. KMTG currently represents special districts, school and community college districts, municipalities and state agencies, water districts, joint powers authorities and joint powers insurance authorities, and private companies.

Today, KMTG is a professional corporation comprised of nearly 60 attorneys who are accomplished practitioners in a variety of complex legal disciplines. KMTG employs leading-edge technology to deliver precise and high quality legal services to its diverse group of clients. The firm's unparalleled experience is both broad and deep in the practice areas of business, class action, construction, education, employment and labor, insurance, litigation, municipal and public agency, natural resources, public finance, redevelopment, and water law.

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Municipal & Public Agency

Municipal & Public Agency Law

KMTG Municipal & Public Agency attorneys provide legal services as general and special counsel for over 50 public agencies. These agencies include cities, counties, redevelopment agencies, water districts, community services districts, joint powers authorities, fire protection districts, flood control districts, and public utility districts. Our attorneys counsel and advise public officials on many of the complicated issues facing them today including, open meetings laws (the Brown Act), conflicts of interest, election matters, redevelopment and land use.

To serve clients, our Municipal & Public Agency attorneys also support other KMTG practice areas. Any matter that involves a public agency client receives support from the experienced Municipal & Public Agency attorneys. Clients receive counsel and representation on any issue that they might be facing due to the cooperative environment in which our attorneys work.

Redevelopment

Redevelopment

KMTG's Redevelopment Law attorneys advise and counsel numerous public and redevelopment agencies. Our attorneys provide superior representation in the areas of land use planning, property acquisition, eminent domain, state and federal housing law, implementation and adoption of redevelopment plans, and relocation. As general and special redevelopment counsel to a number of cities and the Capitol Area Development Authority, KMTG attorneys prepare and negotiate agreements for a wide range of housing and economic development projects. Recent projects have included a multi-family housing project using various funding sources, a large privately financed affordable townhouse project and agreements related to the construction of a large office building and waterfront promenade.

Our Redevelopment Law attorneys also advise clients on the entire range of day-to-day operational issues facing redevelopment agencies. Additionally, our Redevelopment Law practice works with the Municipal & Public Agency and Public Finance practice attorneys to provide counsel and representation on other unique issues facing our public agency clients. Our attorneys can also utilize the knowledge and experience of our other practice areas when the need arises. This system of experienced representation enables our clients to address any need that they might have.

DESCRIPTION OF IN-HOUSE RESOURCES

Kronick, Moskovitz, Tiedemann & Girard prides itself on its use of technological advances to provide clients with increased efficiency and cost effectiveness. All attorneys at the law firm are able to access important legal decisions and research law through the firm's library. Clients are also able to send documents and contact attorneys electronically. The following lists the hardware and software the firm uses, as well as a description of our web site:

System Resources:

- Windows NT4.0 and 2000 based network
- Multiple Hewlett Packard Netservers
- Hewlett Packard Vectra workstations
- Hewlett Packard and Xerox printers and multifunction copiers/scanners
- 100 Mbps high speed network
- Secure T-1 Internet access
- On-site Internet e-mail and Internet site hosting
- Secure remote access
- High-tech climate controlled computer room
- Complete state of the art system

Software tools:

- iManage Document Management
- Verity Indexing
- Microsoft Word 97/2000
- Summation Litigation Support
- Microsoft Outlook/Exchange E-mail
- Microsoft SQL 7.0
- Microsoft Access 97/2000
- Lexis/Nexis Legal applications
- West Publishing Legal applications
- Over 50 applications used to support client needs

Internet web site:

Visit the firm's site at www.kmtg.com and find the following items of interest:

- Upcoming firm events and seminars
- *School Law Notes* newsletters
- Searchable *Legal Alerts*
- *Pocket Guide to Conflict of Interest* brochure order form
- Attorney profiles, practice areas and e-mail addresses
- Firm location and contact information

MARK A. WASSER

MWASSER@KMTG.COM



Mr. Wasser, a shareholder in the firm, has practiced law for more than 26 years, representing cities, counties and other public agencies, as well as private clients who deal with public agencies, in a variety of litigation and general counsel matters. His principal areas of experience are eminent domain, inverse condemnation, natural disaster litigation, civil rights and employment law. He has considerable appellate experience, having successfully handled over 30 appeals. He is admitted to all state and federal courts in California and Nevada.

LEGAL EXPERIENCE

Mr. Wasser's practice focuses on the representation of local public agencies. He has represented more than 20 of California's 58 counties and many cities and other local agencies in litigation and as general counsel. He is presently representing 28 of the State's 58 superior courts in a variety of personnel and employment matters. Among the subjects that Mr. Wasser routinely handles are:

- Open meeting laws
- Public records laws
- Employment laws
- Eminent domain
- Land use and zoning
- Inverse condemnation
- Civil rights
- Flood, landslide and disasters
- Public agency conflicts and ethics

Over the course of his career, Mr. Wasser has served as in-house general counsel, outside counsel, special counsel and legislative representative to public agencies. His diverse background offers him a unique experience that few lawyers share. He understands the complex issues facing local government officials and is able to offer special troubleshooting and counseling advice.

Mr. Wasser has represented public agencies in several large flood lawsuits. In 1992 he successfully defended the City of Roseville in the longest civil jury trial in Placer County history, a case arising out of the 1986 floods. In 1998, he successfully represented Squaw Valley Ski Corporation in litigation arising out of the New Year's flood of 1997. He is presently representing Yuba and Monterey Counties in separate lawsuits arising out of other floods in 1997.

From 1989 to 1999 he served as special counsel to the City of Las Vegas and represented the City's redevelopment agency in the acquisition of over 120 parcels for several large redevelopment projects including the Stratosphere Hotel and Casino and the Fremont Street Experience. He has represented McDonald's Corporation, Martin and MacFarlane, Inc., Chancellor Media, Lamar Advertising, and CBS Infinity Outdoor in eminent domain actions in California and Nevada.

He is general counsel to Kern Health Systems, a Medi-Cal managed care HMO in Kern County. He also serves as litigation counsel for the County Medical Service Program, the agency that administers indigent health care for the 35 smallest counties in California.

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MARK A. WASSER (CONTINUED)

PRACTICE EXAMPLES

- *Jahr v. Casebeer* (1999) — Mr. Wasser successfully represented the Shasta County Counsel in opposing an attempt to subject county supervisors' salaries to the referendum. The opinion of the appellate court represents an important clarification of the California Constitution's provisions on the initiative and referendum.
- *Superior Court of Mendocino v. County of Mendocino* (1996) — This opinion by the California Supreme Court upheld the authority of county boards of supervisors to order the trial courts to close on countywide furlough days. Mr. Wasser successfully represented the County of Mendocino in a major victory for California counties. This opinion represents an important component in the integrated local administration of the trial courts.
- *Locklin v. City of Lafayette* (1994) — In this opinion, the California Supreme Court extended the rule of reasonableness in liability for flood damages that it first announced in *Belair v. Riverside County Flood Control District* (1988) 47 Cal.3d 550. Mr. Wasser successfully represented the California State Association of Counties and the Court adopted arguments he advanced in his brief.
- *State Board of Equalization v. Superior Court* (1992) — Mr. Wasser successfully represented a business in a public records case against the State Board of Equalization, which resulted in full disclosure and recovery of attorney fees for his client.
- *Yarbrough v. Superior Court of Napa County* (1985) — In this opinion, the California Supreme Court decided that indigent defendants in civil lawsuits are not entitled to court-appointed counsel. Mr. Wasser successfully represented the County of Napa and the court adopted arguments he advanced in his brief.

PROFESSIONAL ACTIVITIES & AFFILIATIONS

Mr. Wasser is a frequent speaker on local government issues and continuing legal education matters. He has made presentations before the California State Bar Association, County Counsels Association, California State Association of Counties, League of California Cities, International Municipal Lawyers Association and Association of California Water Agencies, among other organizations. Other professional activities include:

- Member, American Bar Association
- Member, International Municipal Lawyers Association
- Member, County Counsels Association.

ACADEMIC BACKGROUND

B.A. University of California, Irvine, 1970

J.D. Hastings College of the Law, 1973

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MICHAEL F. DEAN

MDEAN@KMTG.COM



Mr. Dean, a shareholder in the firm, advises and counsels municipalities and other public agencies on a variety of matters impacting local governance and decision-making, with a primary focus on land use planning, conflict of interest, and open meeting laws. He also represents public clients in the areas of eminent domain, redevelopment, personnel, and cable television. Mr. Dean represents both public and private clients in the areas of real estate, construction contracts, property acquisition, and private and public works statutory requirements. Mr. Dean also acts as a hearing officer for a variety of public agencies.

LEGAL EXPERIENCE

Mr. Dean has been in practice for 25 years and provides considerable depth and breadth of experience in the day-to-day counsel and representation of municipalities and public agencies. His experience includes:

- Current city attorney for the City of Plymouth and City of Dixon
- Special and general counsel to a number of cities, counties, redevelopment agencies, housing agencies, and school districts
- In-house city attorney for the City of Roseville for 12 years
- In-house deputy and assistant city attorney for the City of Modesto for five years

In his capacity as city attorney and general counsel, Mr. Dean represents his clients on a variety of legal and contractual matters including:

- Open meeting laws
- Labor negotiations and relations
- Public finance
- Cable and telecommunications regulations
- Land use development
- Eminent domain
- Negotiation and drafting of development agreements

Mr. Dean also represents private and public clients in the area of real estate and construction law. Some of the matters that he advises or represents his clients on include:

- Property acquisition
- Contract drafting and negotiation
- Analysis and counsel regarding application of statutory requirements to private and public works

An experienced litigator, Mr. Dean has appeared before all levels of state and federal courts and a variety of administrative agencies. His civil litigation experience includes personnel, discrimination, civil rights, torts, writs of mandate, land use, and environmental matters, to name a few. Mr. Dean is admitted to practice before the United States Supreme Court, the Ninth Circuit Court of Appeals, the United States District Courts for the Eastern and Northern Districts of California, and the California Supreme Court.

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MOSKOVITZ
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& GIRARD**

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MICHAEL F. DEAN (CONTINUED)

PRACTICE EXAMPLES

- Mr. Dean recently litigated several cases on behalf of public clients that dealt with district formation, incorporation and other types of government organization as impacted by the Cortese-Knox Act. He has recently litigated challenges to ballot measures in cities and the obligations for funding retiree medical benefit plans.
- Given the recent expansion and merger activities in the cable and telecommunications industries, Mr. Dean has spent significant time counseling public agencies on the varying levels of regulations governing these industries. He has also represented public agencies in negotiations with cable companies.
- Mr. Dean successfully drafted and negotiated a major development agreement for the 3,500-unit Del Webb Sun City senior citizen community in Roseville, which contains two private golf courses, several shopping complexes, and recreational facilities.

PROFESSIONAL ACTIVITIES & AFFILIATIONS

Mr. Dean's activities include presentations and training seminars for clients and public entities, including:

- Open meeting laws (the Brown Act) and conflicts of interest to municipal boards, trustees, city councils, and associations
- Drug and alcohol testing, public works requirements, and avoidance of sexual harassment claims to both private and public clients

Other professional activities and affiliations include:

- Past editorial board chair, *California Municipal Law Handbook*, a League of California Cities publication
- Author, *A Pocket Guide to Conflict of Interest*, a KMTG publication
- Co-author, *A Local Official's Guide to Ethics Laws*, an Institute for Local Self Government publication
- AV rated attorney, as recognized by the Martindale-Hubbell Law Directory Ratings

ACADEMIC BACKGROUND

B.A. University of California, Berkeley, 1972

J.D. Hastings College of Law, 1975

KRONICK
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ROBERT E. MURPHY

RMURPHY@KMTG.COM



Mr. Murphy, a shareholder in the firm, has been a public agency and finance attorney since 1969, and senior shareholder with the firm, represents public agencies and municipalities on legal matters impacting local governance and decision-making. His areas of experience include all matters of municipal law, public finance and land redevelopment. He also counsels several private clients in the area of redevelopment law, helping them understand and comply with regulatory matters and effectively manage and negotiate contracts.

LEGAL EXPERIENCE

Mr. Murphy has primarily focused his practice in serving as general, special and bond counsel to numerous cities, counties, school districts, joint power authorities, redevelopment agencies and private clients. He currently serves as city attorney for the City of West Sacramento and general counsel to the Capital Area Development Authority (CADA).

In his capacity as counsel, Mr. Murphy advises his clients in several areas:

- Municipal law
- Public financing
- Project development and redevelopment issues
- Land-use planning

On behalf of public agencies, Mr. Murphy also advises on matters involving open meetings, public records, conflicts, water rights, water quality requirements, and water permits and approvals. He also represents private clients in negotiating, drafting and interpreting various types of business contracts.

With many years of experience in representing public entities on governance issues, Mr. Murphy provides considerable breadth and depth to his practice. As city attorney of West Sacramento, he is involved in all areas of municipal regulation and project development, including:

- Conceptual planning
- Hiring of consultants
- Design and completion of construction contracts
- Acquisition of utilities
- Development of water programs
- Acquisition and disposition of real property

In the area of redevelopment law, Mr. Murphy advises municipalities, schools, and private clients in private economic development projects and relocation and housing obligations of redevelopment agencies. He also drafts and negotiates regulatory, exclusive negotiation, owner participation, and development and disposition agreements.

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ROBERT E. MURPHY (CONTINUED)

Mr. Murphy advises clients on all aspects of land use, including:

- Entitlements for private parties
- Monitoring and processing entitlements
- Application of California Environmental Quality Act (CEQA) and NEPA regulations
- Environmental evaluation of properties
- Regulatory cleanup requirements

PRACTICE EXAMPLES

- Mr. Murphy recently played a key role in the development and financing of a baseball stadium in West Sacramento. A skilled negotiator, Mr. Murphy successfully directed substantial property and financing transactions.
- As a member of both the National and California Association of Bond Lawyers, Mr. Murphy has counseled the following entities on bond issues:
 - Cities of Woodland and West Sacramento
 - Elk Grove Unified School District
 - The Sacramento Medical Foundation
 - KVIE Channel 6
 - Sierra Joint Community College District
 - California State University, Sacramento Foundation

PROFESSIONAL ACTIVITIES & AFFILIATIONS

Mr. Murphy's professional activities include making formal presentations before public and municipal agencies on preventive law. Other professional activities and affiliations include:

- Adjunct Professor of Law, McGeorge School of Law, University of the Pacific
- Board of Directors Chair, University of California Davis Foundation
- Former member, Board of Regents, University of California

ACADEMIC BACKGROUND

B.A. University of California, Davis, 1963

J.D. University of California, Berkeley, 1967

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ANDREW P. PUGNO

APUGNO@KMTG.COM



Mr. Pugno, an associate in the firm, primarily practices municipal and public agency law, with an emphasis on appellate litigation, and legislative advocacy. He also provides general counsel work for municipal and public agency clients, advising public officials on many of the complicated issues facing them today including, conflicts of interest, election procedures, environmental matters and land use planning.

LEGAL EXPERIENCE

Mr. Pugno brings extensive experience working in the California State Legislature to his clients. He began his career fulfilling legislative duties as a Jesse Marvin Unruh Assembly Fellow, eventually becoming chief of staff for a state senator and a consultant to the Senate Rules Committee. Specific experience includes:

- Drafting and analyzing legislation
- Researching legal issues
- Preparation for gubernatorial appointment confirmation hearings
- Advocacy for local agencies and constituents dealing with state government matters
- Advising on policy and political matters

In addition, Mr. Pugno has appeared at various law and policy symposiums as a guest speaker and continuing legal education panelist, covering such topics as:

- Domestic relations
- Conflicts of law
- Discrimination

Mr. Pugno focuses on creative problem solving for clients through education, legislative, and other non-litigation methods. His approach emphasizes preventive counseling by keeping clients informed and educated about rapidly changing areas of law to help them avoid litigation. Further, his exposure to the policymaking process in the California State Legislature provides him with an in-depth understanding and historical perspective on legislation, aiding him in the counsel of clients in both policy and legal matters.

Particular areas of interest for Mr. Pugno include election matters, the Political Reform Act, conflicts of interest, and flood control litigation.

PROFESSIONAL ACTIVITIES & AFFILIATIONS

While pursuing his law degree, Mr. Pugno was active in the California State Legislature, serving in several positions that afforded him insight on the policymaking process. Some of the positions he held include:

- Chief of staff for a state senator
- Senate Rules Committee consultant
- Legislative consultant, responsible for researching, drafting and analyzing legislation
- Assembly Fellow, Jesse Marvin Unruh Assembly Fellowship Program

ACADEMIC BACKGROUND

B.A. University of California, Davis, 1995

J.D. McGeorge School of Law, 1999

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JONATHAN P. HOBBS

JHOBBS@KMTG.COM



Mr. Hobbs is an associate attorney whose practice focuses on representing municipalities and public agencies in transactional work and general litigation matters. He also deals with commercial law, creditors' rights and bankruptcy issues for both public and private sector clients. Mr. Hobbs has represented a number of public and private clients at both the trial and appellate levels.

LEGAL EXPERIENCE

In practice since 1996, Mr. Hobbs has amassed considerable litigation experience through his work on behalf of public sector and private clients. His litigation experience includes:

- Direct and inverse condemnation
- Contract disputes
- Housing disputes
- Real property disputes
- Unlawful detainer/Landlord-tenant
- Environmental law
- Construction

He currently advises a number of public entities, including the Cities of Galt, Citrus Heights, Woodland, West Sacramento, and Dixon, in a variety of day-to-day matters such as:

- Planning, zoning and land use
- Conflicts of interest
- Open meetings law (The Brown Act)
- Public records
- Contract drafting, analysis, review, and negotiation
- Code enforcement
- Environmental law

His bankruptcy and commercial law experience includes representing debtors, trustees and creditors in bankruptcy proceedings. He also advises clients in both bankruptcy and non-bankruptcy contexts on matters such as:

- Creditors' rights and remedies
- Debt collection
- Sale and use of estate property
- Secured and unsecured transactions
- Post-judgment remedies

PRACTICE EXAMPLES

- Mr. Hobbs is experienced in representing public agencies in both litigation and non-litigation matters. For example, he is currently engaged in litigation on behalf of the Cities of Woodland, West Sacramento, and Galt. He also currently represents the Capitol Area Development Authority with respect to landlord/tenant litigation. On the non-litigation front, he regularly advises a number of cities, including the Cities of Galt, Citrus Heights, Woodland, and Dixon on code enforcement, land planning and public contracting issues.

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JONATHAN P. HOBBS (CONTINUED)

- Mr. Hobbs also represents private clients in business transactional and litigation matters in both bankruptcy and non-bankruptcy contexts. Currently, he represents a local area bank with respect to the collection of assigned accounts receivable of bankrupt and insolvent debtors.

PROFESSIONAL ACTIVITIES & AFFILIATIONS

Mr. Hobbs has participated in panel discussions at McGeorge School of Law, where he and other panel members addressed the realities of practicing law versus the popular media depictions of law and lawyers. His other professional and community activities and affiliations include:

- Member, Sacramento County Bar Association
- Volunteer, American Diabetes Association
- Volunteer Zookeeper Aide, Folsom City Zoo
- Job Shadow/Mentor Program, Natomas Charter School

ACADEMIC BACKGROUND

B.A. Washington State University, 1993, graduated Summa Cum Laude

J.D. McGeorge School of Law, 1996, with Great Distinction

—*Order of the Coif*

—*Traynor Honor Society*

—*Chief Legislation Editor of Board of Editors, Pacific Law Journal*

—*Legislative Review Staff Writer & Comment Staff Writer, Pacific Law Journal*

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KEVIN M. DOLLISON

KDOLLISON@KMTG.COM



Mr. Dollison's practice emphasizes commercial real estate, business leases, and general business transactions for both private and public sector clients. As a transactional attorney, he offers a practical and wide range of knowledge in real property transactions, earned from years of working closely with some of the most notable commercial developers in the Central Valley.

LEGAL EXPERIENCE

In practice since 1997, Mr. Dollison's experience is based on the practical application of his knowledge in the following matters:

- Preparation, negotiation and analysis of:
 - Purchase and sale agreements
 - Easements
 - Construction and permanent financing transactions
 - Commercial leases
 - Partnership, corporation and limited liability company formation and documentation
- Analysis of real property ownership
- Coordination and completion of real estate closings
- Land use issues

Prior to joining KMTG, Mr. Dollison worked as legal counsel for Buzz Oates Enterprises, a fully integrated commercial real estate developer in Sacramento, California. During the course of his practice, Mr. Dollison has successfully negotiated and documented a volume of real property sales and office/commercial leases involving millions of square feet of both improved and unimproved real property throughout California and in Phoenix, Arizona. These transactions and commercial leases involved all phases of real estate development and disposition, construction, and property management issues.

PRACTICE EXAMPLES

Examples of typical transactions Mr. Dollison has completed:

- In Tracy, California, the long term lease and option to purchase for a 122,300 square foot commercial/industrial warehouse for a computer chip manufacturer
- In Sacramento, California, the long-term sublease of a 161,492 square foot office/transportation facility on behalf of a local school district
- In Cypress, California, Mr. Dollison negotiated and documented the long-term lease of a 56,000 square foot "anchor tenant" office lease
- In Stockton, California, the sale of improvements and ground lease assumption of a 57,000 square foot commercial warehouse facility
- In Roseville, California, the negotiation and formation of a single purpose entity for the development of a multiple building commercial/industrial center
- In Lincoln, California, the negotiation and documentation of the sale and seller carry-back financing of a 314-lot residential subdivision

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KEVIN M. DOLLISON (CONTINUED)

PROFESSIONAL ACTIVITIES & AFFILIATIONS

Mr. Dollison maintains active participation in various professional organizations and activities, including:

- Member, State Bar of California
- Member, Sacramento County Bar Association

ACADEMIC BACKGROUND

B.A. Nebraska Wesleyan University, 1990

J.D. McGeorge School of Law, 1997

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