



## CITY OF COMMERCE AGENDA REPORT

**TO:** Honorable City Council **Item No.** \_\_\_\_\_

**FROM:** City Manager

**SUBJECT:** RESOLUTION APPROVING THE EXECUTION OF A RETAINER AGREEMENT WITH REMY MOOSE MANLEY LLP AS OUTSIDE COUNSEL TO PROVIDE LEGAL REPRESENTATION TO DEFEND THE CITY AGAINST LEGAL CHALLENGES TO THE CITY'S CERTIFICATION OF THE CITADEL EXPANSION FINAL ENVIRONMENTAL IMPACT REVIEW (EIR) UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

**MEETING DATE:** November 19, 2019

---

### **RECOMMENDATION:**

That City Council adopt a Resolution approving the execution of a retainer agreement with Remy Moose Manley LLP as outside counsel to provide legal representation to defend the City against legal challenges to the City's certification of the Citadel Outlet Expansion Final Environmental Impact Review (EIR) under California Environmental Quality Act (CEQA).

### **BACKGROUND:**

The City Council approved the certification of the Citadel Outlet Expansion Final EIR on July 2, 2019. Three separate petitions for a writ of mandate were filed in August 2019, challenging the City's certification of the Citadel Outlet Expansion Final EIR. The City Council seeks to retain outside legal counsel to defend the City's certification process of the Final EIR.

### **ALTERNATIVES:**

1. Approve staff recommendation
2. Disapprove staff recommendation
3. Provide further direction to staff

**FISCAL IMPACT:**

Remy Moose Manley LLP, provided their hourly rate in their proposal that ranges from \$150 per hour for a law clerk to \$450 per hour for a senior partner. They are a leading law firm focused on California Environmental and Land Use Law. Staff will return at mid-year for appropriation approval after a finite number is determined.

**RELATIONSHIP TO STRATEGIC GOALS:**

The issue before the City Council is consistent with the Environmental Compliance, Monitoring, and Reporting Action Item under the Infrastructure and Facilities section of the City's Strategic Plan. This Action Item calls for City oversight and management of environmental compliance for development projects, regulations, public engagement, and coordination with other agencies.

Recommended by: Daniel Hernandez, Director of Public Works/Development Services

Prepared by: Manuel Acosta, Contract Planner

Reviewed by: Vilko Domic, Assistant City Manager

Approved as to form: Noel Tapia, City Attorney

Respectfully submitted: Edgar P. Cisneros, City Manager

**ATTACHMENT:**

- 1) Resolution
- 2) Fee/Retainer Agreement