

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM: 3.61
(ID # 12882)**

MEETING DATE:
Tuesday, August 25, 2020

FROM: TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION
DEPARTMENT: Approval of Amendment No. 3, Amendment to Agreement between the County of Riverside and Murphy & Evertz, Attorneys at Law, for Legal Counsel and Services for the Limonite Interchange Project and the Cajalco Road Safety Project. Districts 1 and 2. [\$250,000 FYs 20/21-21/22; \$775,000 Total Cost - Local Funds 100%] (4/5 Vote Required)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve and execute Amendment No. 3, Amendment to the Agreement Between The County of Riverside and Murphy & Evertz at Law, for Legal Counsel and Services for the Limonite Interchange Project and the Cajalco Safety Project, for a total not to exceed amount of \$775,000 and extension of the termination date to December 31, 2021.

ACTION: Policy


Patricia Romo, Director of Transportation 8/4/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Hewitt and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: Jeffries
Date: August 25, 2020
xc: Transp.

Kecia R. Harper
Clerk of the Board

By 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$190,000.00	\$60,000	\$775,000.00	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS: Mira Loma Road & Bridge Benefit District 100% (Limonite). No General Funds will be used on this project.			Budget Adjustment: No	
			For Fiscal Year: 20/21-21/22	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Limonite Avenue and Interstate 15 Interchange improvement project, in the Cities of Eastvale and Jurupa Valley, has improved safety and traffic operations for residents and visitors to these communities. The new interchange ramps and the new Limonite Avenue Bridge over Interstate 15 were opened to traffic in November of 2019.

The Cajalco Safety project in the community of Mead Valley is currently under construction and is expected to be complete in the fall of 2020. The safety improvements include the addition of a continuous center turn pocket, bus turnouts, wider shoulders, and intersection improvements at Brown and Clark Streets, and a new signal at Day Street. These improvements will improve safety for residents and commuters that travel on Cajalco Road.

Both of these projects required the acquisition of property to construct the needed public improvements. The County of Riverside has obtained possession of the needed properties for the projects, through the eminent domain process, which has allowed both projects to proceed to construction; however due to the complex legal issues arising from the acquisition of the properties, legal counsel and services are required. We have been able to successfully negotiate a settlement with 36 of the 39 property owners impacted, but still have 3 outstanding. Good faith negotiations by staff continues as we strive to reach a settlement.

On July 11, 2017, the Board of Supervisors approved Agenda Item 3.55, a Legal Services Agreement between the County of Riverside and Murphy & Evertz, Attorneys at Law, for legal counsel and services in the amount of \$100,000, for the Limonite Interchange and Cajalco Road Safety projects.

On June 26, 2018, the Board of Supervisors approved Agenda Item 3.63, Amendment No. 1 to the Legal Services Agreement between the County of Riverside and Murphy & Evertz, Attorneys at Law for a time extension through April 30, 2020, and to increase the contract amount to \$375,000 for legal counsel and services for the Limonite Interchange and Cajalco Road Safety projects.

On May 7, 2019, the Board of Supervisors approved Agenda Item 3.25, Amendment No. 2 to the Legal Services Agreement between the County of Riverside and Murphy & Evertz, Attorneys

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at Law for a time extension through December 31, 2020 and to increase the contract amount to \$525,000 for legal counsel and services for the Limonite Interchange and Cajalco Safety projects.

The Limonite Interchange project is subject to litigation relating to acquisition of the properties that were within the sphere of the project. The legal services between the County and Murphy & Evertz, Attorneys at Law provides legal services necessary and appropriate to the defense and/or settlement of litigation brought against the County by this owner.

The Cajalco Safety project required the acquisition of 31 of the total 39 properties that needed to be acquired for these two projects. The County continues to negotiate a final settlement agreement and County Counsel is taking the lead on these negotiations.

Amendment No. 3 to the Legal Services Agreement increases the total compensation to \$775,000 and provides a time extension through December 31, 2021.

County Counsel has approved the Agreement as to form.

Impact on Residents and Businesses

The project improvements along Cajalco Road and within the Limonite Interchange will improve the safety and operation of the road for vehicles and pedestrians.

SUPPLEMENTAL:

Additional Fiscal Information

This amendment would increase the Legal Services Agreement by \$250,000. The total amount expended in FY 17/18, FY 18/19, and FY 19/20 was \$525,000. Mira Loma Road and Bridge Benefit District funds will be used for these services. No general funds will be used.

Contract History and Price Reasonableness

Given the complexity of the cases, and the savings to the public realized through a negotiated settlement of the majority of the cases, the legal costs are appropriate.

ATTACHMENTS:

Regional Vicinity Map – Limonite Interchange Project
Regional Vicinity Map – Cajalco Safety Project
Legal Services Agreement



Jason Farin, Principal Management Analyst 8/18/2020



Gregory V. Priarios, Director County Counsel 8/17/2020

1 **AMENDMENT No. 3**

2 **Amendment to Agreement Between**

3 **The County of Riverside and Murphy & Evertz, Attorneys at Law**

4 THIS AMENDMENT to a Legal Services Agreement is made and entered into as of this 25TH day of August
5 2020, by and between the County of Riverside, a political subdivision of the State of California (hereinafter the
6 "COUNTY"), and Murphy & Evertz, Attorneys at Law (hereinafter "ATTORNEYS").

7 **RECITALS**

- 8 A. COUNTY and ATTORNEYS have entered in an agreement entitled "LEGAL SERVICES AGREEMENT"
9 that is dated July 11, 2017 (hereinafter the "Agreement"). The Agreement provides the terms and
10 conditions, statement of services and budget for the performance of legal services related to all aspects of
11 the Cajalco Road Interim Safety Project and the Limonite Interchange Project (hereinafter "PROJECTS")
12 and any condemnation and/or inverse condemnation actions associated with these projects.
- 13 B. COUNTY and ATTORNEYS entered into Amendment No. 1 of contract on June 26, 2018, providing a time
14 extension through April 30, 2020 and additional compensation in the amount of \$275,000.
- 15 C. COUNTY and ATTORNEYS entered into Amendment No. 2 of contract on May 7, 2019, providing a time
16 through December 31, 2020 and additional compensation from the amount of \$375,000 to the amount of
17 \$525,000.
- 18 D. The extent of support services needed to obtain the properties required for the PROJECTS has exceeded
19 the amount of support that was anticipated.
- 20 E. The parties desire to amend the Agreement to provide additional budget needed to perform additional
21 services required to complete the procurement of the properties needed for the PROJECTS.

22 **AGREEMENT**

23
24 NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties agree as follows:

- 25 1. The total amount of compensation paid to ATTORNEYS is hereby increased from \$525,000 to \$775,000.
- 26 2. Extend the termination date of the agreement from December 31, 2020 to December 31, 2021.
- 27 3. ATTORNEYS shall perform additional legal services in support of COUNTY's effort to acquire properties
28 needed for PROJECTS.
- 29 4. Except to the extent specifically modified or amended hereunder, all of the terms, covenants and conditions

1 of the Agreement and Amendment 2 shall remain in full force and effect between the parties hereto.

2 IN WITNESS HEREOF, the parties hereto have caused this Amendment to the Agreement to be duly executed
3 this day and year first written above.

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ARTICLE VIII • APPROVALS

COUNTY Approvals

RECOMMENDED FOR APPROVAL:



PATRICIA ROMO

Director of Transportation

APPROVED AS TO FORM:

GREG PRIAMOS, County Counsel



By Deputy *K. Bell-Valdez*

APPROVAL BY THE BOARD OF SUPERVISORS

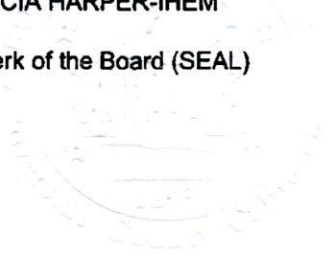


V. Manuel Perez
Chairman, Riverside County Board of Supervisors

ATTEST:

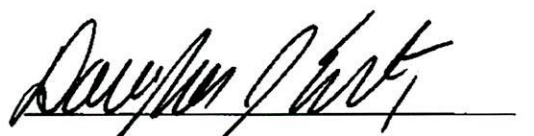


KECIA HARPER-IHEM
Clerk of the Board (SEAL)



ATTORNEYS Approvals

ATTORNEYS:



DOUGLAS J. EVERTZ
PRINTED NAME

PARTNER
TITLE

ATTORNEYS:

PRINTED NAME

TITLE

