



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: SEE BELOW

DATE: May 29, 2025

**SUBJECT: FIFTH AMENDMENT TO LEGAL SERVICES AGREEMENT WITH
ASHURST LLP RELATED TO THE MASS TRANSIT AIRPORT
CONNECTOR PROJECT AT THE SAN JOSE MINETA INTERNATIONAL
AIRPORT**

RECOMMENDATION

Adopt a resolution authorizing the City Attorney to negotiate and execute (1) a Fifth Amendment to the Agreement with Ashurst LLP for legal services related to mass transit airport connector project at the San Jose Mineta International Airport, extending the term of the Agreement from June 30, 2025 to June 30, 2026, with no increase in the maximum amount of compensation, and (2) future amendments to the agreement to increase the term of the agreement during the project implementation phase of the airport connector project.

OUTCOME

Execution of the amendment with Ashurst LLP to extend the term will allow the firm to continue to provide legal services related to the mass transit airport connector project at the San Jose Mineta International Airport in the City of San José ("City").

BACKGROUND

On August 11, 2021, the City entered into an agreement with Ashurst LLP for legal services related to the mass transit airport connector project expiring on August 10, 2022 in an amount not to exceed \$75,000 ("Agreement"). Between December 7, 2021 and July 1, 2024, the City and Ashurst LLP entered into four amendments to the Agreement, extending the term through June 30, 2025, increasing the maximum amount of compensation to \$375,000, and amending the scope of services to include Pre-Development, Bid, and Award Support services.

ANALYSIS

Ashurst LLP was chosen to provide specialized legal services based on the firm's expertise in providing legal advice to public agencies using a public private partnership delivery method. There is approximately \$74,000 in unexpended funds under the Fourth Amendment to the Agreement. The purpose of the Fifth Amendment is to extend the term through June 30, 2026 to allow the firm to continue to provide on-call legal services related the mass transit airport connector project in the City. No additional funding will be added to the Agreement as the remaining unexpended funds will roll over for the next fiscal year. Any amendments that would increase total compensation will require future council approval.

CONCLUSION

To ensure the continued delivery of legal services in support of the mass transit airport connector project, staff recommends extending the term through June 30, 2026 with no increase in the maximum amount of compensation.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the June 10, 2025 Council Meeting.

CEQA

Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

NORA FRIMANN
City Attorney

By: /s/ Jon Calegari
Jon Calegari
Senior Deputy City Attorney

For questions, please contact JON CALEGARI, SENIOR DEPUTY CITY ATTORNEY, at (408) 535-1900.