

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Resolution No. 8747 authorizing execution of a second amendment to the Agreement for Professional Services with the Pacifica Law Group LLP to increase the total contract amount from \$184,000 to \$210,000 to provide legal services for the City in the lawsuits of *City of Bellevue v. Manoogian*, KCSC No. 13-2-28532-1 SEA and *City of Bellevue v. Galpin*, KCSC No13-2-30023-1SEA.

FISCAL IMPACT

This action obligates the City to increase the total contract amount for outside legal services provided by Pacifica Law Group LLP by \$26,000.

Original Contract	\$ 49,000
Amendment #1	135,000
Amendment #2	<u>26,000</u>
New Contract Total Amount	\$210,000

Sufficient funding exists within the CIP Fund budget (PW-R-181) to pay for this expense.

STAFF CONTACT

Cheryl A. Zakrzewski, 452-4081
Lori M. Riordan, City Attorney, 452-7220
City Attorney's Office

POLICY CONSIDERATION

The City initiated condemnation actions for the Manoogian and Galpin properties after attempting to negotiate a purchase with the property owners. Throughout the process, as is the City's policy, we attempt to resolve the issue of acquisition and compensation through negotiation and mediation, with trial as a last resort. The Galpin matter proceeded to trial in April, where the judge found in the City's favor on the question of final compensation. The amount requested in this proposed second amendment will allow Pacifica to handle the final details in these matters, including final documentation.

BACKGROUND

The City filed two separate eminent domain lawsuits to obtain the properties located at 11024 NE 2nd Street and 11017 NE 2nd Street. The City is committed to obtaining these properties for use by Sound Transit related to the East Link Project. Additionally, portions of these properties will be used of other City purposes.

The City retained the Pacifica Law Group to prosecute the condemnation of these properties on the City's behalf. The lawsuit involving the 11017 NE 2nd Street property was settled in March 2014. The lawsuit involving the 11024 NE 2nd Street property went to trial on April 14, 2014. An amendment to the Professional Services Agreement is necessary to provide sufficient funding to cover the outstanding costs incurred in taking the 11024th NE 2nd matter to trial.

EFFECTIVE DATE

If adopted, this Resolution will be effective immediately.

OPTIONS

1. Adopt Resolution No. 8747 authorizing execution of the second amendment to the Agreement with the Pacifica Law Group LLP, increasing the total amount to an amount not to exceed \$210,000.
2. Do not adopt Resolution No. 8747, do not authorize the payment for these additional legal services and provide alternative direction to staff.

RECOMMENDATION

Adopt Resolution No. 8747, authorizing execution of a second Amendment to the Agreement with the Pacifica Law Group LLP increasing the total contract amount to a total not to exceed \$210,000 to provide legal services for the City in the lawsuits of *City of Bellevue v. Manoogian*, KCSC No. 13-2-28532-1 SEA and *City of Bellevue v. Galpin*, KCSC No13-2-30023-1SEA.

MOTION

Move to adopt Resolution No. 8747, authorizing execution of a second Amendment to the Agreement with the Pacifica Law Group LLC increasing the total contract amount to a total not to exceed \$210,000 to provide legal services for the City in the lawsuits of *City of Bellevue v. Manoogian*, KCSC No. 13-2-28532-1 SEA and *City of Bellevue v. Galpin*, KCSC No13-2-30023-1SEA.

ATTACHMENTS

Proposed Resolution No. 8747

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

Amendment #2 to the Agreement for Services (Professional Services Contract).

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 8747

A RESOLUTION authorizing the City Manager or his designee to execute an amendment to the Professional Services Agreement with the Pacifica Law Group LLP to increase the total contract amount from \$184,000 to \$210,000 for legal services in the lawsuits of *City of Bellevue v. Manoogian*, KCSC No. 13-2-28532-1 SEA and *City of Bellevue v. Galpin*, KCSC No. 13-2-30023-1 SEA.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Manager or his designee is hereby authorized to execute an amendment to the Professional Services Agreement with the Pacifica Law Group LLP to increase the total contract amount from \$184,000 to \$210,000 for legal services in the lawsuits of *City of Bellevue v. Manoogian*, KCSC No. 13-2-28532-1 SEA and *City of Bellevue v. Galpin*, KCSC No. 13-2-30023-1 SEA, a copy of which amendment has been given Clerk's Receiving No. _____.

Passed by the City Council this _____ day of _____, 2014, and signed in authentication of its passage this _____ day of _____, 2014.

(SEAL)

Claudia Balducci, Mayor

Attest:

Myrna L. Basich, City Clerk