

CITY COUNCIL REGULAR SESSION

Resolution authorizing execution of an amendment to the Professional Services Contract with Seamark Law Group PLLC, outside counsel for the City in the lawsuit *Hoydal v. City of Bellevue, et al* (KCSC Case No. 20-2-16392-9), in an amount not to exceed \$150,000, exclusive of any applicable taxes.

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City Attorney's Office

EXECUTIVE SUMMARY

This Resolution authorizes execution of an amendment to the Professional Services Contract with Seamark Law Group PLLC for the continued representation of the City in the lawsuit filed by Katelyn Hoydal.

RECOMMENDATION

Move to adopt Resolution No. 10167

BACKGROUND/ANALYSIS

During a severe windstorm on November 13, 2017, winds of up to 50 miles per hour snapped the trunk of a Douglas fir, which then fell across the eastbound lanes of Interstate 90, striking Plaintiff Katelyn Hoydal's car and injuring Ms. Hoydal. The Douglas fir was located in the right-of-way owned and maintained by the Washington State Department of Transportation. On November 6, 2020, Ms. Hoydal brought a lawsuit in King County Superior Court against the State of Washington and the City of Bellevue. Ms. Hoydal alleged that since the City of Bellevue had undertaken a topographic survey of this section of the right-of-way in 2015 for the purpose of designing a segment of the Mountains to Sound Greenway trail at some point in the future, the City had a duty to detect this potentially hazardous Douglas fir and report it to WSDOT. The City retained the Seamark Law Group PLLC to defend the City in this matter. Trial is scheduled for April 10, 2023. This amendment allows the Seamark Law Group PLLC to continue to represent the City in this matter.

POLICY & FISCAL IMPACTS**Policy Impact**

Bellevue City Code 4.28.040 provides that professional services contracts in excess of \$90,000 require Council approval.

Fiscal Impact

This action obligates the City to increase the total contract amount for legal services provided by the Seamark Law Group PLLC by \$60,000.

Original Contract	\$ 30,000
Amendment #1	\$ 60,000
Amendment #2	\$ 60,000

New Contract Total Amount \$ 150,000

Sufficient funds exist within the 2021-2022 biennial budget to fund this contract.

OPTIONS

1. Adopt the Resolution authorizing execution of an amendment to the Professional Services Contract with Seamark Law Group PLLC, outside counsel for the City in the lawsuit *Hoydal v. City of Bellevue, et al* (KCSC Case No. 20-2-16392-9), in an amount not to exceed \$150,000, exclusive of any applicable taxes.
2. Do not adopt the Resolution and provide alternative direction to staff.

ATTACHMENTS

Proposed Resolution No. 10167

AVAILABLE IN COUNCIL LIBRARY

Amendment #2 to the Professional Services Contract