

**CITY COUNCIL REGULAR SESSION**

Resolution authorizing execution of Amendment #1 to the Professional Services Agreement with Pacifica Law Group LLP (Contract No.1950036), outside counsel for the City, in an amount not to exceed \$300,000, plus all applicable taxes, for legal services related to the acquisition of the property rights needed for the Transportation Capital Investment Program (CIP) projects involving the widening of 124th Avenue NE from NE 12th Street to Northup Way (CIP Plan Nos. PW-R-166, PW-R-169, PW-R-191).

Kathy Gerla, City Attorney, 452-7220  
Monica Buck, Assistant City Attorney, 452-4082  
*City Attorney's Office*

Maher Welaye, Assistant Director, 452-4879  
*Department of Transportation*

**EXECUTIVE SUMMARY**

This Resolution authorizes execution of an amendment to the Professional Services Agreement with Pacifica Law Group LLP for continued representation related to the acquisition of property rights needed for the Transportation CIP projects involving the widening of 124<sup>th</sup> Avenue NE from NE 12<sup>th</sup> Street to Northup Way (CIP Plan No. PW-R-166, PW-R-169, PW-R-191).

**RECOMMENDATION**

Move to adopt Resolution No. 10199

**BACKGROUND/ANALYSIS**

As part of the City's long-range CIP Transportation plan, the City is in the process of widening and reprofiling 124<sup>th</sup> Avenue NE in three construction phases, each of which is a separate CIP project. The first phase of the expansion (NE Spring Boulevard to Ichigo Way, PW-R-166) has been completed in conjunction with Sound Transit's East Link Project. Although all of the necessary property rights have been obtained for this first construction phase, the City needs the assistance of Pacifica Law Group to close out the cost share agreement with Sound Transit for this work.

Pacifica Law Group has assisted in obtaining the necessary property rights for the second and third construction phases of the project (PW-R-169 and PW-R-191) allowing construction of these phases to proceed. These projects are being constructed. However, just compensation has not been agreed to for nine parcels which will require further representation from Pacifica Law Group at mediation and/or potentially at trial if settlement is unsuccessful.

A Professional Services Agreement in the amount of \$230,000, plus applicable sales tax, was approved by the City Council on February 19, 2019, to continue the legal services necessary for completion of the first construction phase of the 124<sup>th</sup> Avenue NE road widening project and to assist in the acquisitions necessary for the remaining two construction phases. Additional funds are necessary to resolve just compensation on the remaining parcels.

## 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 Professional Services Agreement with Pacifica Law Group LLP, in an amount not to exceed \$300,000, plus all applicable taxes, for legal services for the acquisition of the property rights needed for the Transportation CIP projects widening 124<sup>th</sup> Avenue NE from NE 12<sup>th</sup> Street to Northup Way.

Professional Services Agreement with Pacifica Law Group LLP	
Original Contract (No. 1950036)	\$230,000
Amendment No. 1 (Tonight's Action)	300,000
<b>New Contract Total Amount</b>	<b>\$530,000</b>

Sufficient funding exists in the 2023-2029 General Capital Investment Program (CIP Plan Nos. PW-R-166, PW-R-169, PW-R-191) to fully fund this increase as follows:

CIP Plan No.	Description	Amount
PW-R-191	124th Avenue NE - Ichigo Way (NE 18th St) to Northup Way	\$150,000
PW-R-169	124th Avenue NE - NE 12th St to NE Spring Blvd	100,000
PW-R-166	124th Avenue NE - NE Spring Blvd to Ichigo Way (NE 18th St)	50,000
Total Funding		<u>\$300,000</u>

## OPTIONS

1. Adopt the Resolution authorizing execution of Amendment #1 to the Professional Services Agreement with Pacifica Law Group LLP (Contract No.1950036), outside counsel for the City, in an amount not to exceed \$300,000, plus all applicable taxes, for legal services related to the acquisition of the property rights needed for the Transportation Capital Investment Program (CIP) projects involving the widening of 124th Avenue NE from NE 12th Street to Northup Way (CIP Plan Nos. PW-R-166, PW-R-169, PW-R-191).
2. Do not adopt the Resolution and provide alternative direction to staff.

## ATTACHMENTS

- A. CIP Project Description (PW-R-166)
  - B. CIP Project Description (PW-R-169)
  - C. CIP Project Description (PW-R-191)
- Proposed Resolution No. 10199

## AVAILABLE IN COUNCIL LIBRARY

Amendment #1 to the Professional Services Agreement