

October 17, 2016

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Resolution authorizing the execution of an amendment to the contract between the City and Keating, Bucklin & McCormack, Inc., P.S., for legal services in the *Tateuchi v. City of Bellevue, et al.* lawsuit, to increase the total contract value to an amount not to exceed \$180,000.

FISCAL IMPACT

This action obligates the City to increase the total contract amount for legal services provided by Keating, Bucklin & McCormack, Inc., P.S., by \$98,000.

Original Contract	\$25,000
Amendment #1	\$57,000
Amendment #2	\$98,000
New Contract Total Amount	\$180,000

Sufficient funds exist within the 2015-2016 General Fund budget to cover this contract expense.

STAFF CONTACTS

Lori Riordan, City Attorney, 452-7220
Robert A. Hyde, Deputy City Attorney, 452-2033
City Attorney's Office

POLICY CONSIDERATION

Should the City continue to retain outside counsel to provide legal services for the City in this lawsuit?

BACKGROUND

On February 22, 2016, Ina Tateuchi applied to revoke the Conditional Use Permit issued to Kemper Development Company through Ordinance No. 6000. Tateuchi does not have standing to initiate revocation of another property owner's permit, and the City accepted this application in error. The City cancelled the application and refunded the application fees.

In response, Tateuchi filed an appeal with the Hearing Examiner and also filed suit in King County Superior Court. The City's outside counsel (the law firm of Keating, Bucklin & McCormack, Inc., P.S.) successfully moved to dismiss the Hearing Examiner proceeding on jurisdictional grounds, and Tateuchi has appealed that ruling. The initial superior court action also remains active.

EFFECTIVE DATE

If adopted, this Resolution will be effective immediately upon Council adoption.

OPTIONS

1. Adopt Resolution authorizing execution of the amendment to the Agreement with Keating, Bucklin & McCormack, Inc., P.S., increasing the total contract amount to an amount not to exceed \$180,000.
2. Do not adopt Resolution and provide alternative direction to staff.

RECOMMENDATION

Option 1.

MOTION

Move to adopt Resolution No. 9153, authorizing execution of an Amendment to the Agreement with Keating, Bucklin & McCormack, Inc., P.S. increasing the total contract amount to an amount not to exceed \$180,000, to provide legal services for the City in the lawsuit of *Tateuchi v. City of Bellevue, et al.*, King County Superior Court Cause Nos. 16-2-13322-3 SEA and 16-2-22663-9 SEA).

ATTACHMENTS

Proposed Resolution No. 9153

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

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