

March 06, 2017

## **CITY COUNCIL AGENDA MEMORANDUM**

### **SUBJECT**

Resolution authorizing execution of an amendment to the Agreement for Professional Services with Pacifica Law Group LLP, outside counsel for the City with regard to the acquisition of properties needed for the Transportation CIP project involving the expansion of 124th Ave. NE. in an amount not to exceed \$150,000.00.

### **FISCAL IMPACT**

This action obligates the City to increase the total contract amount for legal services provided by Pacifica Law Group LLP by \$150,000.

Original Contract	\$49,000
Amendment #1	\$41,000
Amendment #2	\$150,000
<b>New Contract Total Amount</b>	<b>\$240,000</b>

Sufficient funds exist within the 2017-2023 Capital Investment Program (CIP Plan No. PW-R-166, Spring Blvd. to Ichigo Way) to fully fund this contract.

### **STAFF CONTACTS**

Lori Riordan, City Attorney, 452-7220  
Cheryl Zakrzewski, Assistant City Attorney, 452-4081  
*City Attorney's Office*

### **POLICY CONSIDERATION**

Should the City continue to retain outside counsel for consultation and legal services for this project?

### **BACKGROUND**

As part of its long-range CIP transportation plan, the City will be expanding 124<sup>th</sup> Avenue NE. The first part of this expansion is being constructed in conjunction with Sound Transit's East Link Project which will travel under 124<sup>th</sup> Avenue NE necessitating elevation of the roadway, including construction of a bridge. Sound Transit filed petitions for eminent domain to obtain the property rights necessary for all work along or across 124<sup>th</sup> Avenue NE by either party. The City retained the Pacifica Law Group to work with Sound Transit, the involved property owners/tenants, and the other entities whose rights are being affected by condemnations. An amendment to the Professional Services Agreement is necessary to provide sufficient funding for the City to engage in continued consultations and negotiations necessary to acquire all the rights for the City's project.

### **EFFECTIVE DATE**

If adopted, this Resolution will be effective immediately.

### **OPTIONS**

1. Adopt the Resolution authorizing execution of the amendment to the Agreement with Pacifica Law Group LLP, increasing the total amount to an amount not to exceed \$240,000.
2. Do not adopt the Resolution, do not authorize the payment for these additional legal services and provide alternative direction to staff.

### **RECOMMENDATION**

Option 1

### **MOTION**

Move to adopt Resolution No. 9239 authorizing execution of an Amendment to the Agreement with Pacifica Law Group LLP increasing the total contract amount to a total not to exceed \$240,000 with regard to the acquisition of properties needed for the Transportation CIP project involving 124th Avenue NE.

### **ATTACHMENTS**

Proposed Resolution No. 9239

### **AVAILABLE IN COUNCIL DOCUMENT LIBRARY**

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