

September 5, 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 in the lawsuit of Greensun v. City of Bellevue (KCSC Case No. 14-2-29863-3 SEA), in an amount not to exceed \$500,000 exclusive of any applicable taxes.

FISCAL IMPACT

This action obligates the City to increase the total contract amount for legal services provided by Pacifica Law Group LLP by \$200,000 exclusive of any applicable taxes.

Original Contract	\$50,000
Amendment #1	\$150,000
Amendment #2	\$25,000
Amendment #3	\$25,000
Amendment #4	\$50,000
Amendment #5	\$200,000
New Contract Total Amount	\$500,000

Sufficient funds exist within the 2017-2018 biennial budget 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 to provide legal services for the City in this lawsuit?

BACKGROUND

Greensun filed this lawsuit for injunctive and declaratory judgment on November 11, 2014 seeking an order from the court allowing them to open a retail marijuana store at 10600 Main Street. The City retained the Pacifica Law Group LLP to defend the City in this matter. Greensun's request for a preliminary injunction was denied by the superior court. Greensun's lawsuit was then dismissed in its entirety by the superior court, and Greensun appealed that dismissal to the court of appeals. The Court of Appeals reversed the superior court's dismissal, and the lawsuit has now returned to the superior court for further proceedings. The matter is set for trial on January 5, 2018. An amendment to the Professional Services Agreement is necessary to provide sufficient funding for the upcoming superior court proceedings.

EFFECTIVE DATE

If approved, this Resolution becomes effective immediately upon Council adoption.

OPTIONS

1. Adopt the Resolution authorizing execution of an amendment to the Agreement for Professional Services with Pacifica Law Group LLP, outside counsel for the City in the lawsuit of Greensun v. City of Bellevue (KCSC Case No. 14-2-29863-3 SEA), in an amount not to exceed \$500,000 exclusive of any applicable taxes.
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. 9305 authorizing execution of an amendment to the Agreement for Professional Services with Pacifica Law Group LLP, outside counsel for the City in the lawsuit of Greensun v. City of Bellevue (KCSC Case No. 14-2-29863-3 SEA), in an amount not to exceed \$500,000 exclusive of any applicable taxes.

ATTACHMENT

Proposed Resolution No. 9305

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

Amendment #5 to the Agreement for Services (Professional Services Contract)