

February 05, 2018

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Resolution authorizing execution of an amendment of the contract between the City and Mills Meyers Swartling P.S. for legal services in the *Sentinel Insurance v. City of Bellevue* lawsuit in an amount not to exceed \$95,000.

FISCAL IMPACT

This action obligates the City to increase the total contract amount for legal services provided by Mills Meyers Swartling P.S., by \$5,000.

Original Contract	\$50,000
Amendment #1	40,000
Amendment #2	<u>5,000</u>
New Contract Total Amount	\$95,000

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

STAFF CONTACTS

Lori Riordan, City Attorney, 452-7220
Chad Barnes, Assistant City Attorney, 452-2061
City Attorney's Office

POLICY CONSIDERATION

Should the City pay outside counsel for the legal services being rendered to the City in this lawsuit?

BACKGROUND

Sentinel Insurance Company is the insurance carrier for What the Pho restaurant located at 10608 NE 8th Street in Bellevue, Washington. Sentinel alleges that on December 2, 2014, a blockage in one of the City's wastewater lines caused a backflow into the What the Pho restaurant causing damage to the restaurant and its business operations.

Council approved settlement of Sentinel's lawsuit during its January 16 meeting. The current contract amendment is anticipated to cover the remainder of Mills Meyers Swartling P.S. work and final billing in this matter.

EFFECTIVE DATE

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

OPTIONS

1. Adopt the Resolution authorizing execution of an amendment of the contract between the City and Mills Meyers Swartling P.S. for legal services in the Sentinel Insurance v. City of Bellevue lawsuit in an amount not to exceed \$95,000.
2. Do not adopt the Resolution and provide alternative direction to staff.

RECOMMENDATION

Option 1

MOTION

Move to adopt Resolution No. 9370 Resolution authorizing execution of an amendment of the contract between the City and Mills Meyers Swartling P.S. for legal services in the Sentinel Insurance v. City of Bellevue lawsuit in an amount not to exceed \$95,000.

ATTACHMENTS

Proposed Resolution No. 9370

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

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