

CITY COUNCIL REGULAR SESSION

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 \$250,000, plus all applicable taxes.

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City Attorney's Office

EXECUTIVE SUMMARY

This amendment to the Professional Services Contract is necessary to fund the existing contract through the next stage of the litigation process. This pending litigation is scheduled for mediation in September 2020.

RECOMMENDATION

Move to adopt Resolution No. 9755

BACKGROUND/ANALYSIS

Greensun filed a lawsuit for injunctive and declaratory judgment on November 11, 2014 seeking an order from the court allowing it 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. The lawsuit was returned to the superior court where Greensun voluntarily dismissed its claims for injunctive relief and amended its lawsuit to allege a cause of action for damages. The City successfully obtained summary judgment of Greensun's damage claims, but the court of appeals reversed the superior court's dismissal. The case was remanded back to the superior court. Trial is scheduled September 21, 2020.

POLICY & FISCAL IMPACTS**Policy Impact**

Bellevue City Code 4.28 provides for the fair and equitable treatment of all persons involved in the purchasing process. Council approval is required to award the bid where the cost exceeds \$90,000.

Fiscal Impact

This action obligates the City to increase the total contract amount for legal services provided by Pacifica Law Group LLP by \$250,000, plus all applicable taxes.

Professional Services Agreement with Pacifica Law Group	
Original Contract	\$50,000
Amendment No. 1	\$150,000
Amendment No. 2	\$25,000

Amendment No. 3	\$25,000
Amendment No. 4	\$50,000
Amendment No. 5	\$200,000
Amendment No. 6	-
Amendment No. 7	\$250,000
New Contract Total Amount	\$750,000

Sufficient funds exist within the 2019-2020 General Self-Insurance Fund biennial budget to fund this contract.

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 \$250,000, plus all applicable taxes.
2. Do not adopt the Resolution and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

Proposed Resolution No. 9755

AVAILABLE IN COUNCIL LIBRARY

Amendment No. 7 to the Agreement for Services (Professional Services Contract)