

**CITY COUNCIL REGULAR SESSION**

Resolution authorizing execution of an amendment to the Professional Services Agreement with Jackson & Nicholson, P.S., outside counsel for the City in the lawsuit Khaleghi v. City of Bellevue, KCSC Cause No: 17-2-31059-0, increasing the total contract amount from \$390,000 to an amount not to exceed \$440,000, plus all applicable taxes.

Kathy Gerla, City Attorney, 452-7220  
Cheryl Zakrzewski, Assistant City Attorney, 452-4081  
*City Attorney's Office*

**EXECUTIVE SUMMARY**

This Resolution is necessary to fund the existing contract for legal representation of the City in the lawsuit Khaleghi v. City of Bellevue, KCSC Cause No: 17-2-31059-0.

**RECOMMENDATION**

Move to adopt Resolution No. 9887

**BACKGROUND/ANALYSIS**

Cyrus Khaleghi was involved in an automobile accident that occurred on Highland Drive on August 8, 2016. Cyrus Khaleghi was a passenger in an automobile that flipped over while traveling at a high rate of speed rendering him a quadriplegic. Mr. Khaleghi claimed that the roadway was improperly designed, constructed, and maintained and that the City was partially responsible for his injury and damages. The City retained Jackson & Nicholson, P.S. to defend the City in this matter. An amendment to the Professional Services Agreement is necessary to provide sufficient funding for the City to undertake the steps necessary to complete its defense of this matter.

**POLICY & FISCAL IMPACTS****Policy Impact**

City policy provides that professional services contracts in excess of \$90,000 require Council approval.

**Fiscal Impact**

This action obligates the City to increase the total contract for legal services provided by Jackson & Nicholson, P.S., by \$50,000, plus applicable taxes, to provide legal representation of the City through trial. There are sufficient funds in the 2021-2022 General Self Insurance Fund adopted budget to cover this amendment.

<b>Professional Services Agreement with Jackson &amp; Nicholson</b>	
Authorized Contract (No. 1950285)	\$90,000
Amendment No. 1 (Reassigned No. 2050157)	\$300,000
Amendment No. 2	\$50,000
<b>New Contract Total Amount</b>	<b>\$440,000</b>

## **OPTIONS**

1. Adopt the Resolution authorizing execution of an amendment to the Professional Services Agreement with Jackson & Nicholson, P.S., outside counsel for the City in the lawsuit Khaleghi v. City of Bellevue, KCSC Cause No: 17-2-31059-0, increasing the total contract amount from \$390,000 to an amount not to exceed \$440,000, plus all applicable taxes.
2. Do not adopt the Resolution and provide alternative direction to staff.

## **ATTACHMENTS & AVAILABLE DOCUMENT**

Proposed Resolution No. 9887

## **AVAILABLE IN COUNCIL LIBRARY**

Amendment No. 2 to the Professional Services Agreement