

Council Meeting Date: November 13, 2001

Agenda Item: 7(d)

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Motion to authorize the City Manager to increase the Professional Service Contract for litigation services with Buck and Gordon LLP
DEPARTMENT:	City Attorney
PRESENTED BY:	Ian R. Sievers, City Attorney 

PROBLEM/ISSUE STATEMENT:

Council authorization is needed to extend the maximum payment under a contract for litigation services with Buck and Gordon LLP, a law firm specializing in land use matters. The current contract for \$75,000 was approved by Council in November 2000 for consultation on the North City Planned Action, annexation and planning issues related to Pt. Wells, and primarily in appeals before the Growth Hearings Board relating to the Pt. Wells urban growth area. The contract was amended administratively to \$90,000. This contract amount is not sufficient to complete work in progress on the pending Hearings Board appeal and should be extended by \$17,500 for billings through the end of 2001.

This contract included work in 2000 and 2001, with work authorized in 2000 applied toward the \$75,000 contract amount. The Pt. Wells appeals effort has been greater than originally contemplated. On February 22, 2001 the Growth Hearings Board issued an Order Declining to Issue a Declaratory Ruling on Shoreline's petition, filed in June 2000, asking the Board to invalidate the Snohomish County planning process for allocating urban growth areas among cities. On April 2, 2001 Woodway adopted amendments to its comprehensive plan including adoption of a Point Wells Urban Growth Area in direct conflict with Shoreline's designation of this same 100-acre parcel for future annexation in our 1998 comprehensive plan. Buck and Gordon participated in reviewing the amendments, attending hearings and submitting extensive documentation on the appropriate provider of urban services for Pt. Wells and refuting the record submitted by Woodway staff on this issue. Following adoption we filed a second petition with the Hearings Board which was joined by Snohomish County and Chevron. Motions to dismiss were filed by Snohomish Co. and Woodway and briefed prior to a hearing on the petition. A decision on the conflicting Woodway and Shoreline Comp Plans is due at the end of November.

The contract amendment has been reviewed with our contract counsel and should be sufficient for work to be billed and needed to conclude the current appeal.

FINANCIAL IMPACT:

The professional services budget in the City Attorney's Office is sufficient to cover this amendment.

RECOMMENDATION

Staff recommends that the Council authorize the City Manager to increase the contract with Buck and Gordon LLP that expires December 31, 2001 by \$17,500.

Approved By: City Manager _____ City Attorney  _____