



CITY OF PALO ALTO OFFICE OF THE CITY ATTORNEY

March 26, 2018

The Honorable City Council
Palo Alto, California

Request for Authorization to Increase Two Existing Legal Services Agreements with Jarvis Fay Doporto & Gibson: (a) for General Transactional Legal Services (Contract S16164639) by an Additional \$45,000 for a Total Not-To-Exceed Amount of \$215,000; and (b) for Litigation Defense in *Staats v. City of Palo Alto* (Contract S15159508) by an Additional \$120,000 for a Total Not-To-Exceed Amount of \$495,000

Recommendation

Staff recommends that the City Council authorize increases in two legal services agreements with the law firm of Jarvis Fay Doporto & Gibson:

1. for transactional legal services (Contract S16164639) by an additional \$45,000 for a total not to exceed amount of \$215,000 for a two-year period ending June 30, 2018; and
2. for litigation defense in the case of *Staats v. City of Palo Alto*, Santa Clara Co. Sup. Ct. Case No. 1-15-CV-284956 (Contract S15159508) by an additional \$120,000 for a total not to exceed amount of \$495,000.

Discussion

Jarvis Fay Doporto & Gibson LLP is a law firm representing cities in a variety of areas, including land use, the California Environmental Quality Act (CEQA), construction law, and municipal taxes and fees.

In July 2016, the City retained Jarvis Fay Doporto & Gibson (Contract S16164639) to provide transactional legal services on an as-needed basis with respect to complex matters requiring expertise in land use, CEQA and public works contracting. To date, services under this contract have included CEQA and construction contracting legal support related to: (a) the Highway 101/Adobe Creek Bicycle and Pedestrian Bridge; (b) reconstruction of Newell Bridge; and (c) the rebuild of the Junior Museum and Zoo. The City incurred \$85,000 in fees during the first year of the agreement (July 1, 2016-June 30, 2017). We estimate that we will incur \$130,000 in legal fees in the second year of the agreement (July 1, 2017- June 30, 2018), and request authority to

amend the contract to add \$45,000 for a total not to exceed amount of \$215,000 for the two-year period ending June 30, 2018.

In April 2015, the City entered into a three-year \$50,000 contract with Jarvis Fay Doporto & Gibson for pre-litigation and initial litigation defense services in a Government Claims Act claim and subsequently-filed civil suit Staats v. City of Palo Alto, Santa Clara Co. Sup. Ct. Case No. 1-15-CV-284956. In November 2016, the City Council authorized amendment of the agreement to add \$325,000 for a total of \$375,000, to fund continuing litigation defense, estimated at that time to fund the City's defense through class certification. The litigation has been somewhat more complex than estimated, and additional funding is required to complete briefing and argument through the class certification stage. The City Attorney's Office requests authorization to amend the contract to add \$120,000, which brings the total agreement to \$495,000. If the court grants class action status, additional funding will be required for defense of this matter.

Resource Impact

Funding for the recommended amendments does not require additional budgetary authority as it can be accommodated within the Office of the City Attorney's FY2018 budget.

Environmental Review

Amendment of legal services contracts is not a project requiring environmental review under the California Environmental Quality Act (CEQA).

Department Head: Molly Stump, City Attorney

