



# CITY OF PALO ALTO OFFICE OF THE CITY ATTORNEY

June 17, 2019

The Honorable City Council  
Palo Alto, California

## **Request for Authorization to Increase the Existing Legal Services Agreement With the Law Firm of Jarvis Fay & Gibson for Litigation Defense Services by an Additional \$200,000 for a Total Not to Exceed Amount of \$695,000 and to Extend the Term of the Agreement to June 30, 2021**

### **Recommendation**

Staff recommends that the City Council authorize an increase to the legal services agreement with the law firm of Jarvis Fay & Gibson 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 \$200,000 for a total not to exceed amount of \$695,000. In addition, staff recommends that the City Council authorize extension of the term of the agreement to June 30, 2021.

### **Discussion**

Jarvis Fay & 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 April 2015, the City entered into a \$50,000 agreement with Jarvis Fay & 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 and March 2018, the City Council authorized amendment of the agreement to add \$325,000 and \$120,000, respectively, for a total of \$495,000, to fund continuing litigation defense. The contract term was also extended to June 30, 2019. The recommended amendment will fund continuing defense services in this matter. If the matter is not resolved this year, we will return to Council for additional funding authority.

### **Resource Impact**

Funding for the recommended amendment does not require additional budgetary authority as it can be accommodated within the Office of the City Attorney's FY2020 budget.

### **Environmental Review**

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

Department Head: Molly Stump, City Attorney