



**PUBLIC WORKS DEPARTMENT
MEMORANDUM #2014 – 38**

DATE: August 11, 2014
TO: Honorable Mayor Joyce Downing and City Council Members
FROM: John Pick, City Manager 
David H. Willett, Director of Public Works 
SUBJECT: Council Resolution
FBBG – Professional Services Agreement, Addendum #1

BACKGROUND

The City of Northglenn has utilized Fischer, Brown, Bartlett & Gunn (FBBG) as special water counsel since 1985. FBBG retains an extensive record of the City’s legal history related to the water rights owned by Northglenn. FBBG has a thorough understanding of the City’s raw water system and water rights, and as such has been able to effectively work on legal issues pertaining to the City’s water rights.

On January 27, 2014, Northglenn City Council awarded a Legal Services Agreement to FBBG in the amount not to exceed \$140,000. During the course of the year, FBBG has represented the City on multiple issues, including those related to the City’s Church Ditch and FRICO change cases. Based on the rate of expenditure it is anticipated that the cost of service will exceed the contract amount.

BUDGET/TIME IMPLICATIONS

Budget Encumbered by Resolution (CR-10)

Legal Services	\$140,000
Cost to Date (through July)	<u>(\$136,750)</u>
Balance	\$3,250

The original contract appropriation did not include a contingency because on an annual basis the magnitude associated with the overall scope of work was not known.

During the first half of this year the current change cases for both legal and legislative work has significantly increased and expenditures are close to exceeding the amount of the 2014 contract. Therefore, staff is requesting an additional \$75,000 (estimated) to cover these services through December 31st.

RECOMMENDATION

Attached to this memorandum is a Resolution that, if approved, would authorize the Mayor to execute Addendum #1 between the City of Northglenn and **Fisher, Brown, Bartlett & Gunn** in the amount of **\$75,000.00**.

STAFF REFERENCE

Ray Reling – PW Superintendent for Utilities

rreling@northglenn.org or 303.450.4049

ATTACHMENT

Addendum #1

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-82
Series of 2014

Series of 2014

A RESOLUTION APPROVING THE FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT BETWEEN THE CITY OF NORTHGLENN AND FISCHER, BROWN, BARTLETT & GUNN, P.C.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The First Amendment to Legal Services Agreement between the City of Northglenn and Fischer, Brown, Bartlett, & Gunn, P.C., attached hereto as Exhibit A, in an amount not to exceed \$75,000.00 is hereby approved and the Mayor is authorized to enter into the Agreement on behalf of the City Council of the City of Northglenn.

DATED at Northglenn, Colorado, this ____ day of _____, 2014.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

First Amendment to Legal Services Agreement

This First Amendment to Legal Services Agreement is made and entered into this ____ day of _____, 2014, by and between the **City of Northglenn, State of Colorado** (hereinafter referred to as the "City") and Fischer, Brown, Bartlett & Gunn, P.C. (hereinafter referred to as "FBBG").

Recitals

On January 27, 2014 the City and FBBG entered into a Legal Services Agreement (the "Agreement"). The parties desire to amend a paragraph in the Agreement.

Agreement

Now Therefore, in consideration of the mutual covenants and obligations recited in the Agreement and this First Amendment to Legal Services Agreement, the parties agree:

Section 4 of the Agreement is entitled "Compensation". A paragraph within Section 4 currently recites:

Due to various uncertainties, it is difficult to predict the nature, scope and extent of legal services required, and thus the anticipated fees for such services. The City and FBBG anticipate that legal fees paid to FBBG pursuant to this Agreement shall not exceed one hundred and forty thousand dollars (\$140,000.00), although each recognize that such fees may actually be below or above that amount.

The above paragraph of Section 4 of Agreement is hereby amended in its entirety, as follows:

Due to various uncertainties, it is difficult to predict the nature, scope and extent of legal services required, and thus the anticipated fees for such services. The City and FBBG anticipate that legal fees paid to FBBG pursuant to this Agreement shall not exceed two hundred fifteen thousand dollars (\$215,000.00), although each recognize that such fees may actually be below or above that amount.

No other sections or paragraphs of the Agreement are amended hereby, and the Agreement, as amended by this First Amendment to Legal Services Agreement, remains in full force and effect and is hereby ratified by the City and FBBG. The Agreement and First Amendment to Legal Services Agreement constitute all the agreements between the City and FBBG.

[Remainder of page left blank]

In Witness Whereof, the parties hereto each herewith subscribe to the same in duplicate.

City of Northglenn, Colorado

By: _____
Joyce Downing
Title: Mayor

Attest:

Johanna Small, City Clerk

Approved as to Form:

Corey Y. Hoffman, City Attorney

Fischer, Brown, Bartlett & Gunn, P.C.

By: William R. Fischer
William R. Fischer

Title: President

Date: August 5, 2014.