

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: SUE GALLAGHER, CITY ATTORNEY
CITY ATTORNEY'S OFFICE
SUBJECT: APPROVAL OF SECOND AMENDMENT TO PROFESSIONAL
SERVICES AGREEMENT WITH GREINES, MARTIN, STEIN &
RICHLAND LLP FOR LEGAL SERVICES

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the City Attorney's Office that the Council, by resolution, approve the Second Amendment to Professional Services Agreement Number F001382 with Greines, Martin, Stein & Richland LLP in the amount of \$50,000 for a total compensation amount of \$150,000.

EXECUTIVE SUMMARY

A lawsuit was served on the City on January 3, 2012 in the matter of *Rafael Mateos-Sandoval and Simeon Avendano Ruiz v. County of Sonoma, City of Santa Rosa, et al.* (Sandoval/Ruiz) in Federal Court, case number C 18-2151 YGR. The case is a Class Action Complaint for Damages concerning police vehicle impoundments. The trial court found that the impoundments violated the U.S. Constitution, but denied the plaintiffs' request for class certification. The Appellate Court recently affirmed the trial court decision in full. Parties are now considering further appellate review to bring this matter to a conclusion.

BACKGROUND

A Professional Services Agreement was entered into between the City and Greines, Martin, Stein & Richland LLP on December 9, 2014, for legal services to assist the City of Santa Rosa in the appeal process related to Sandoval/Ruiz. The original agreement had a not to exceed amount of \$50,000. On April 11, 2017, an additional \$50,000 was authorized under the City Manager's authority for the continued handling of the appeal of the pending Federal court class action suit against the City of Santa Rosa.

PRIOR CITY COUNCIL REVIEW

APPROVAL OF SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH GREINES, MARTIN, STEIN & RICHLAND LLP FOR LEGAL SERVICES

Not applicable.

ANALYSIS

The appeal has proven to be time consuming and complex as it involves a voluminous appellate record, our own appeal, and opposition to the plaintiff's appeal, all of which is further complicated by the pending cross appeals involving the County as well.

Further appellate work will be comparatively minimal as briefing and oral arguments have been concluded. There is a dispute regarding the plaintiffs' claims for attorney's fees and our appellate counsel will be monitoring further appellate relief sought by the County.

Before Council today is the approval of the Second Amendment to Professional Services Agreement, increasing compensation by an additional \$50,000 in an amount not to exceed \$150,000.

FISCAL IMPACT

This Professional Services Agreement is being paid out of budgeted Risk liability funds.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Resolution/Exhibit A – Second Amendment to PSA

CONTACT

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