



## Takoma Park City Council Meeting – July 27, 2016 Agenda Item 7

### **Voting Session**

Resolution Affirming Authority to Exceed Contracted Amount of Attorney Fees Related to the Takoma Junction Project

### **Recommended Council Action**

Adopt resolution affirming the authority of the City Manager to extend a contract with the law firm of Bregman, Berbert, Schwartz & Gilday, LLC by up to 25% of the contracted amount.

### **Context with Key Issues**

Through Ordinance 2015-30 and 2016-12, the City contracted with the law firm of Bregman, Berbert, Schwarz & Gilday, LLC for legal development representation for the Takoma Junction Redevelopment Project. The total amount of the contract was \$80,000. As of June 30, 2016, the amount spent was approximately \$77,000, with additional legal work needed in the month of July to finalize the Development Agreement and Ground Lease between the City of Takoma Park and Neighborhood Development Company. The total amount in excess of \$80,000 will not be known until the Council is in its August recess.

The City Code allows the City Manager to extend a contract by up to 25% of the contracted amount when circumstances so warrant it. Because of the community interest in this important economic development project, the Council and the City Manager wish to be as open as possible about the costs related to the project. This resolution affirming the authority of the City Manager provides notice to the public that the contract will be exceeded. A budget amendment for the actual extended amount of the contract will come before the Council in the fall.

### **Council Priority**

Advance Economic Development Efforts; Fiscally Sustainable Government; Engaged, Responsive and Service-oriented Government

### **Environmental Impact of Action**

N/A

### **Fiscal Impact of Action**

Up to \$20,000.

### **Attachments and Links**

- Draft Resolution

Introduced by:

**CITY OF TAKOMA PARK, MARYLAND**

**RESOLUTION 2016-  
AFFIRMING AUTHORITY TO EXCEED CONTRACTED AMOUNT OF ATTORNEY  
FEES RELATED TO TAKOMA JUNCTION PROJECT**

WHEREAS, the Takoma Park City Council authorized the law firm of Bregman, Berbert, Schwartz & Gilday, LLC to represent the City in the Takoma Junction Redevelopment Project through Ordinances 2015-30 and 2016-12; and

WHEREAS, the total amount authorized to pay for the work was \$80,000; and

WHEREAS, as of June 30, 2016, payments to the firm total approximately \$77,000; and

WHEREAS, negotiation on the Development Agreement and Ground Lease with Neighborhood Development Company have been continuing such that the total amount due to the legal firm will exceed \$80,000; and

WHEREAS, the amount exceeded will only become known during the City Council's August recess; and

WHEREAS, the City Manager is authorized by Takoma Park City Code Section 7.08.090, Extensions, to extend a contract by up to 25% when circumstances warrant it; and

WHEREAS, the Council and City Manager are committed to being open about costs related to this critical economic development project; and

WHEREAS, a budget amendment will be required to come before the Council for the extended amount of the contract.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT the Council affirms the authority of the City Manager to extend the contract with the law firm of Bregman, Berbert, Schwartz & Gilday, LLC, by up to 25% of the contracted amount.

Adopted this 27th day of July, 2016.