

After conferring with Attorney Stroud, City Attorney Pritt relayed that she had substantially agreed to Council's revisions with clarifications relating to the City's cooperation in this and related cases (term related litigation will also be removed from the resolution), associate hourly rates (\$150.00 -\$165.00), paralegal hourly rates (\$60.00 to \$90.00), the reassessment of hourly rates should the this litigation extend more than two years from this date, and withdrawal of representation subject only to court approval. Upon Council's approval of the clarifications, Attorney Stroud will present the revised agreement to her managing partners.

Public Input: None. (7:59 p.m.)

MOTION by MacIlvaine to APPROVE ITEM 30 AS AMENDED; seconded by Tarrant. This motion failed 3-3. (Tarrant-yes, Galleberg-no, Herms-absent, Wiseman-no, Taylor-yes, MacIlvaine-yes, MacKenzie-no) During the vote, Council Member Galleberg said he could not support committing to legal fees that are 32% higher per hour than that charge by the City's own capable attorneys. Council Member Wiseman concurred and said that although she strived to make a bad agreement better, this law firm had not convinced her that it has more to offer than Roetzel & Andress. She also stated that it would be fiscally irresponsible to add another layer of expense and bureaucracy. In dissenting, Mayor MacKenzie noted that she had never favored the hiring of another law firm in this matter and said nothing has occurred since to change her mind.

After the vote, Council Member Taylor said this vote has crippled the process and Council Member MacIlvaine called it a disservice to the City and the City's standing in this lawsuit. Council Member Galleberg clarified that his objection was based unnecessary added costs and not a reflection on the law firm; however, Council Member Tarrant termed this vote as partisan politics. Mr. Tarrant also agreed to delay discussions regarding a cap on litigation fees until August.

OPEN PUBLIC INPUT

None. (8:04 p.m.)

ADJOURN

8:04 p.m.

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Prepared by:

Virginia A. Neet, Deputy City Clerk

Minutes approved: _____.