



## AGENDA REPORT

**Meeting Date:** May 3, 2016  
**Item Number:** D-10  
**To:** Honorable Mayor & City Council  
**From:** Laurence S. Wiener, City Attorney  
**Subject:** APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$150,000 FOR DAPEER ROSENBLIT & LITVAK RELATED TO LEGAL SERVICES FOR MUNICIPAL CODE PROSECUTION FOR FISCAL YEAR 2015-2016; AND  
APPROPRIATION OF \$150,000 FROM THE GENERAL FUND  
**Attachments:** None

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### RECOMMENDATION

It is requested that the City Council authorize an appropriation of funds from the General Fund as set forth below, and move to approve a change purchase order for Dapeer, Rosenblit & Litvak for municipal prosecution services in the not to exceed amount of \$150,000.

	<u>From</u>		<u>To</u>
\$150,000	General Fund 001 Available Fund Balance	\$150,000	480000502-732600 Municipal Code Enforcement

### INTRODUCTION

The law firm of Dapeer, Rosenblit & Litvak provides legal services related to the prosecution of municipal code violations as well as legal services related to red light tickets that are contested in court.

### DISCUSSION

This year there has been additional code enforcement and photo red light ticket activity that was not anticipated. In particular there has been a significant increase in the number of citations issued by the police department in particular enforcement areas related to over-sized vehicles, mobile food catering enforcement and transient issues. Defense efforts to attack the City's enforcement programs has resulted in greater time expenditure necessary to respond to the nature and scope of the legal challenges being

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presented. There has also been an increase in complex enforcement matters requiring extensive factual review and legal analysis. In addition, in December of 2014, the City approved a phased-in cost of living adjustment to the hourly rates charged by Dapeer, Rosenblit & Litvak which became effective over a three year period to occur on January 1 of the years 2015-2017, which results in an hourly rate slightly less than the increase in the consumer price index since the hourly rate was last adjusted in 2007. Accordingly, additional funds are required to be added to the purchase order. This will bring the total purchase order amount to \$500,000 for Fiscal Year 2015-16.

**FISCAL IMPACT**

\$150,000 from available general fund balance.



Don Rhoads, Director of Administrative Services/CFO



Laurence S. Wiener, City Attorney