



**Request for City Council Committee Action
From the City Attorney's Office**

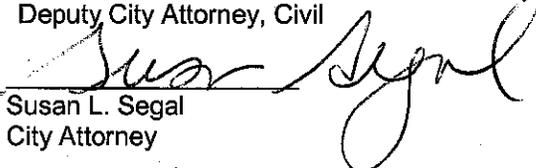
Date: February 17, 2015
To: Council Member John Quincy, Chair of Ways and Means
Referral to:

Subject: Authorization to Enter into Master Legal Services Agreement with Fredrikson & Byron, P.A., and Waiver of Conflicts of Interest.

Recommendation: That the City Council authorize the proper city officials to enter into a Master Agreement for Legal Services with Fredrikson & Byron, P.A. in an amount not to exceed \$300,000.00 and that the City waive any conflict of interest arising out of the firm's representation of the City in certain land use matters at Nicollet Avenue and Lake Street.

Previous Directives:

Prepared by: Peter W. Ginder Phone: (612) 673-2478
Deputy City Attorney, Civil

Approved by: 
Susan L. Segal
City Attorney

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the ___ Capital Budget or ___ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: ___ Action is within the plan. ___ Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact

City Goal(s):

Background/Supporting Information

On January 20, 2013, the City Council authorized the City Attorney's Office to establish a legal services panel and execute "Master Agreements" with selected law firms on the panel, and other law firms not on the panel when deemed appropriate by the City Attorney, for the period January 1, 2013, through December 31, 2015, with the cost for each agreement not to exceed \$300,000.00. Although not on the panel, the City Attorney's Office wishes to enter into a Master Agreement with Fredrikson & Byron, P.A. (the "Firm") for purposes of representing the City in certain complex land use matters at Nicollet Avenue and Lake Street ("City Matters").

In addition, the Firm represents clients in matters in which it may have a conflict of interest with the City. Because the representations are distinct and unrelated to the City Matters, the City Attorney's Office has determined that it would be appropriate to recommend that the City Council grant a waiver to the Firm in connection with the following matters:

1. A matter involving BMO Harris on a credit agreement for the Simple Sandwich.
2. A leasing matter involving Robitshek Building Partners.

3. A zoning matter involving Best Price Properties and its Colonial Warehouse property.
4. A property tax matter involving Signature Flight Support.

In addition, we are requesting the Council grant an advance conflict of interest waiver as to the Firm's representation of the City on City Matters and the Firm's current or future representation of clients in Future Routine Matters adverse to the City. For purposes of this waiver, Future Routine Matters are defined to include: (a) regulatory, land use, licensing, criminal defense, environmental, condemnation, and assessment evaluation and tax protests; and, (b) other civil matters including civil litigation which are either similar to past matters in which Firm clients were adverse to the City and represented by the Firm and unrelated to the City Matters. This advance conflict of interest waiver does not apply to contests, disputes, or appeals of special assessments which may be levied against the property of such Firm client by the City in connection with the City's redesign and reconstruction of Nicollet Mall.