



CITY OF LODI
COUNCIL COMMUNICATION

AGENDA TITLE: Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation (\$199,732.17)

MEETING DATE: October 6, 2004 City Council Meeting

PREPARED BY: Steve Schwabauer, City Attorney

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation in the amount of \$199,732.17.

BACKGROUND INFORMATION: Listed below are invoices from outside counsel, consultants, and for mediation services that were incurred relative to the Environmental Abatement Program litigation that are currently outstanding and need to be considered for payment:

| | | |
|----|---|-----------------------------|
| 1) | <u>Kronick, Moskovitz, Tiedemann & Girard</u> | |
| | Invoice #214132 for Litigation Support (Docket Clerk) for the Period April 26 – May 21, 2004. | \$ 2,352.00 |
| | Invoice #214866 for Litigation Support (Docket Clerk) for the Period May 24 – June 26, 2004. | \$ 1,920.00 |
| | Invoice #214605 for Professional Services for the Period May 26 – June 25, 2004. | \$ 38,749.61 |
| | Invoice #215074 for Litigation Support (Docket Clerk) for the Period June 28 – July 25, 2004. | \$ 2,112.00 |
| | Invoice #215075 for Professional Services for the Period July 1 – July 25, 2004. | \$ 54,892.53 |
| | Invoice #215583 for Professional Services for the Period August 2 – August 25, 2004. | \$ <u>52,222.55</u> |
| | Total | \$ <u>152,248.69</u> |

2) **JAMS** (Mediation Service) These invoices include amounts paid by USF&G to Envision to reimburse the City that were never paid to JAMS or the City (i.e. are still being held by Envision). I recommend payment of these invoices by the City. **\$ 20,892.69**

3) **St. Anne's School** for four out of nine air filter units purchased by St. Anne's School in June 2004 **\$ 1,999.96**

APPROVED: 
Janet Keeter, Interim City Manager

4) **Malcolm Pirnie** – City's share of costs incurred by Court' Expert **\$ 1,585.67**

5) **Kennedy/Jenks Consultants** – Consultant and Expert witness services. These services were provided under contract with Envision. Technically they are not owed by the City to Kennedy Jenks because we do not have a contract with them. However, outside counsel recommends payment of these invoices to secure Kennedy Jenks services as expert witnesses in the M&P action.

Invoice #0105030020 for period July 19 – September 26, 2003 \$ 1,238.88

Invoice #0105030021 for period September 27 – October 24, 2003 \$ 3,067.36

Invoice #0105030022 for period October 25 – November 21, 2003 \$ 106.07

Invoice #0105030023 for period November 22 – December 19, 2003 \$ 4,905.05

Invoice #0105030024 for period December 20, 2003–January 16, 2004 \$ 13,687.80

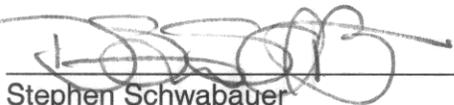
Total \$ 23,005.16

GRAND TOTAL OF ALL INVOICES \$199,732.17

FUNDING: 50% Water Fund
50% Wastewater Fund

Approved:


Jim Krueger, Finance Director


Stephen Schwabauer
City Attorney