

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

January 22, 2008

CALL TO PODIUM:

Fred Felton
Assistant City Manager

RESPONSIBLE STAFF:

Fred Felton
Assistant City Manager

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input checked="" type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:

Resolution of the Mayor and City Council Authorizing the City Manager to Negotiate and Execute a Renewal of Retention Agreement with Special Counsel Stanley D. Abrams, Esq. (\$30,000)

SUPPORTING BACKGROUND:

In 2004, the City entered into a Retention Agreement with Stanley D. Abrams, Esq. to act as Special Counsel to the City. The City has renewed this agreement each year since then.

Mr. Abrams current retainer Agreement will expire in February 2008. Mr. Abrams is extremely helpful on land use and zoning issues as well as general legal issues.

Staff brought a resolution before the Mayor and City Council on January 7, 2008 that would have continued Mr. Abrams' hourly rate of \$220 an hour; however, based on subsequent conversation with Mr. Abrams, staff is recommending the hourly rate be increased to \$270 an hour. Please note this rate is significantly lower than Mr. Abrams bills his private sector clients, and that Mr. Abrams' rate has not increased since 2003.

With this agreement in place, the Acting City Manager and senior staff have been able to consult with Mr. Abrams on legal issues within his noted areas of expertise. This resolution will authorize the City Manager to enter into a further renewal of that Agreement for one more year.

DESIRED OUTCOME:

Vote on Resolution

Resolution Request Form

REQUEST FORM FOR RESOLUTIONS PERTAINING
TO EXPENDITURES FROM THE CITY BUDGET
(CONTRACTS/PURCHASES, TRANSFER FUNDS)

(Please attach the Mayor and Council Agenda Cover Sheet to this Form. For contracts/purchases, the Cover Sheet MUST include a list of all bidders and bid amounts.)

Requested by: James D. Arnoult, Acting City Manager Date of City Council Meeting: January 22, 2008

AUTHORIZING

Purchase Award Contract Transfer Funds Negotiate/
Execute a Contract

BID INFORMATION:

Advertisement Date _____

Newspaper(s) _____

Bids Opened/Tabulated (date) _____

DESCRIPTION OF ITEM(S):

Retention Agreement for Special Counsel, to be paid monthly.

CONTRACTED/PURCHASE FROM:

Company Name: Stanley D. Abrams, Esq.

Street Address: 4550 Montgomery Avenue, Suite 760N

P. O. Box Number _____

City/State/Zip Bethesda, MD 20814

CONTRACT/PURCHASE AMOUNT: \$ 30,000.00

Check One: In the Amount of Not to Exceed

FUNDS TO BE EXPENDED FROM: Operating Budget Capital Improvements Budget

Account Number: 1111/533000

(For Finance Department use only; not to be included in the Resolution)

VERIFICATION OF AVAILABILITY OF FUNDS Available Not available

Finance Dept. Date

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING
THE CITY MANAGER TO NEGOTIATE AND EXECUTE
A RENEWAL OF RETENTION AGREEMENT WITH
SPECIAL COUNSEL STANLEY D. ABRAMS, ESQ.

WHEREAS, in 2004 the City entered into a Retention Agreement with Stanley D. Abrams, Esq., to act as Special Counsel to the City; and

WHEREAS, the Retention Agreement has given the City Manager and senior staff the ability to consult with Mr. Abrams in legal issues within his noted areas of expertise; and

WHEREAS, the City has found the Retention Agreement to be beneficial in the past; and

WHEREAS, the current Retention Agreement is about to expire, and the Council finds that it is in the City's best interest to renew the Retention Agreement:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Gaithersburg, that the City Manager be and he hereby is authorized to negotiate and execute a Renewal Agreement with Special Counsel Stanley D. Abrams, Esq., in an amount not to exceed Thirty Thousand Dollars (\$30,000.00); said funds to be expended from the Operating Budget.

ADOPTED by the Mayor and City Council this 22nd day of January, 2008.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
in public meeting assembled on the 22nd
of January, 2008.

James D. Arnoult, Acting City Manager