

AGREEMENT BIBLIOGRAPHY

Name of Firm:	Woodruff, Spradlin and Smart
Service Provided:	Attorney Services
Date Approved by City Council:	09 24 1996
Start Date:	09 01 1996
End Date:	N/A
Amount of Contract:	See agreement
Insurance Expiration:	N/A
Comments:	Amendment to 06/07/94
Date Archived:	

AMENDMENT TO AGREEMENT FOR CITY ATTORNEY
SERVICES

This Amendment to Agreement for City Attorney services is made this 24th day of September 1996 by and between the City of Garden Grove, hereinafter "City" and Woodruff, Spradlin, & Smart, hereinafter "Attorneys".

Whereas, City and Attorneys entered into an agreement for City Attorney services in May 1992, which was subsequently amended on June 7, 1994, and

Whereas, Attorneys have changed their formal name to Woodruff, Spardlin, & Smart,

Now Therefore Be It Resolved between City and Attorneys the existing June 7, 1994 agreement for services be amended as follows:

1. Attorneys shall perform legal services relating to labor matters at the rate of \$145.00;
2. The hourly fee for all other City work, advisory and any litigation, shall be adjusted from \$130 per hour to \$145.00.
3. Said changes shall be effective September 1, 1996. This amendatory agreement shall supercede any provision to the contrary set forth in the June 7, 1994 agreement for legal services.

*2cc's John Shaw
cc Spradlin*

In Witness Whereof, the parties hereto have executed this Agreement as of the date indicated in the preamble to this Agreement.

Attorneys:

Woodruff, Spradlin, Smart

By: John R. Shaw
John R. Shaw, Director

City:

City of Garden Grove

By: [Signature]
Mayor

Attest:

[Signature]
City Clerk

9-24-96

AMENDMENT TO AGREEMENT WITH WOODRUFF, SPRADLIN & SMART FOR CITY ATTORNEY SERVICES (F: 55.739)

Staff report dated September 16, 1996 was introduced, reviewing the proposed contract changes for City Attorney services.

Councilman Chung inquired why the services of two law firms are being consolidated into one. The City Manager advised that the City has always hired special counsel for special issues. He noted that the legal counsel the City has used for many years for labor relations raised their rates substantially. The City found that the firm which employs the current City Attorney has specialists in the area of labor relations. This service can be added to this contract at a savings of about \$50 per hour. He also indicated that this agreement is a renewal for City Attorney services, with a provision for an increased hourly rate.

Pat Weber, 10110 Montecito Plaza, appeared before the Council and inquired whether this law firm also handles the City's tort claims. The City Attorney advised that there are other law firms that handle some of the tort work.

Ms. Weber asked for copies of monthly statements of what the City has paid this law firm from January 1, 1996 through September 1, 1996. Mayor Broadwater indicated that this is public record; however, he asked that Ms. Weber present her request in writing.

It was moved by Councilman Chung, seconded by Councilman Ingegneri, and carried by unanimous vote, that the Amendment to the Agreement by and between CITY OF GARDEN GROVE and WOODRUFF, SPRADLIN & SMART for City Attorney services, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: City Council
Dept: Council
Subject: City Attorney Contract Changes

From: George L. Tindall
Dept: City Manager
Date: September 16, 1996

Objective: To present to the City Council proposed contract changes with respect to City Attorney's contract.

Background:

The law firm of Woodruff, Spradlin, and Smart, under the direction of John Shaw, is in its fifth year of outstanding service to the City of Garden Grove.

In the last several months, the law firm of the Los Angeles firm of Mitchell, Silverberg et al., which has provided legal services to the City for labor issues (that is, personnel matters), gave notice that its existing hourly fee of \$145.00 would be raised immediately to \$195.00 per hour for new matters, and then to \$205.00 per hour effective June 1997.

This proposed hourly fee increase is unacceptable particularly when viewed against the fact that our basic City Attorney services are provided at the rate of \$130.00 per hour.

It is my recommendation that Woodruff, Spradlin, and Smart now handle future labor litigation and related matters at the rate of \$145.00 which will result in considerable cost savings to the City. This firm has labor law firm specialists such that there will be no significant drop in the quality of service provided to the City. Estimated costs savings are predicted to range from 30 to 50% with respect to litigation involving personnel matters.

Woodruff, Spradlin, and Smart has also requested a hourly fee adjustment from \$130 per hour to \$145 per hour for the general advisory and other litigation matters. (See attached letter)

The firm has never requested or received any fee increase since the inception of the City Attorney contract in 1992. The increase of \$15 per hour averages out to 2.3% over a five (5) year period.

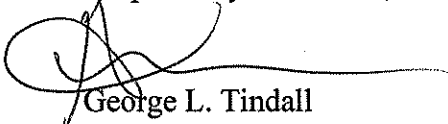
The accomplishments of this firm have been many. It has won, or successfully settled, virtually every lawsuit it is handled. The Welty nude juice bar case is but one noteworthy example.

Most importantly, the City's elimination of a full time City Attorney office operation has annually saved the City \$50,000 to \$100,000 by using the services of Woodruff, Spradlin, and Smart. The City of Garden Grove received special mention of this fact in a 1993 article appearing in the Western City magazine.

Recommendation:

Move to adopt contract amendment with Woodruff, Spradlin, & Smart.

Respectfully Submitted,



George L. Tindall
City Manager

LAW OFFICES OF
WOODRUFF, SPRADLIN & SMART
A PROFESSIONAL CORPORATION

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DIRECT DIAL (714) 564-2603
DIRECT FAX (714) 565-2503

September 17, 1996

Mayor Bruce Broadwater
and Members of the City Council
City of Garden Grove
P.O. Box 3070
Garden Grove, CA 92642

Dear Mayor Broadwater and City Council Members:

Our law firm is pleased to have served the City of Garden Grove as its City Attorney since May 1, 1992. Garden Grove is a vigorous and dynamic city and we are proud to be a part of the Garden Grove team.

Our services have been instrumental in achieving and implementing many of the City Council's goals and decisions. This has been accomplished during an era of strong fiscal constraints for local government.

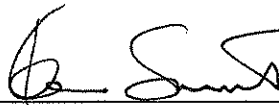
For the four and one-half years of our service, we have not requested an adjustment in our original fees. We have absorbed substantial increases in the cost of providing our legal services as our part in helping the City of Garden Grove maintain the level and quality of its services. Unfortunately, our increased costs, including personnel, equipment, supplies, rent, and other costs necessitate this request for an adjustment of our fees from \$130 per hour to \$145 per hour. This adjustment equals an approximate annual increase of 2.3%. It is less than our increased costs, but we believe it is reasonable and appropriate.

Mayor Bruce Broadwater
and Members of the City Council
September 17, 1996
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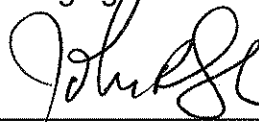
Thank you for your consideration. Again, we remain pleased and proud to serve the City of Garden Grove as its City Attorney.

Sincerely,

WOODRUFF, SPRADLIN & SMART



KENNARD R. SMART, JR.
Managing Director



JOHN R. SHAW

cc: George L. Tindall, City Manager