



**AGENDA SUMMARY PAGE**  
**CITY COUNCIL MEETING OF SEPTEMBER 6, 2006**

**DEPARTMENT:** CITY ATTORNEY  
**DIRECTOR:** BRADFORD R. JERBIC

Consent  Discussion

**SUBJECT:**

Discussion and possible action regarding continued funding of Harrison, Kemp & Jones to represent the City of Las Vegas in an arbitration filed against it by Asphalt Products Corporation over the construction of Washington Buffalo Park Phases 1-A and 1-B for an amount not to exceed \$500,000. (LARRY BROWN)

**Fiscal Impact**

No Impact  Augmentation Required  
 Budget Funds Available Dept./Division: City Attorney

**Amount:** \$500,000

**Funding Source:** General Fund

**PURPOSE/BACKGROUND:**

Asphalt Products Corporation (APCO) contracted with the City to construct Washington Buffalo Park Phases 1-A and 1-B December 17, 2003. The contract is identified under Bid No. 03.15341.08-LD. On December 8, 2005, APCO filed for arbitration. APCO has yet to specify the amount of its demand, however, before arbitration it was demanding \$6.5 million in addition to the contract price. The City of Las Vegas has recently counterclaimed for approximately \$21 million. The City Council authorized funds not to exceed \$300,000 July 6, 2005, to retain Harrison, Kemp & Jones to represent the City of Las Vegas in pre-arbitration litigation, and other related matters. Consultant, expert witness, testing, printing, arbitration, related expenses, and attorneys' fees now approach \$300,000.

**RECOMMENDATION:**

Approval

**BACKUP DOCUMENTATION:**

None

Motion made by LARRY BROWN to Approve

Passed For: 0; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0  
None; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

NOTE: MAYOR GOODMAN abstained because he is in an APEX partnership with representatives who are the principals of Asphalt Products Corporation, who are on the opposing side.

Minutes:

WILLIAM HENRY, Sr. Litigation Counsel, stated this matter is in order.

*City of Las Vegas*

Agenda Item No.: 53.

CITY COUNCIL MEETING OF: September 06, 2006