Law   **Item No. 12**
RECOMMENDATION FOR COUNCIL ACTION

Subject: Authorize negotiation and execution of an amendment to an outside counsel contract with Cox Smith Matthews, San Antonio, TX, for legal services related to City of Austin v. Harry M. Whittington, et al.; Cause No. GV-07-000942, in the 353rd Judicial District Court (formerly Cause No. 2403 in the County Court at Law No. 1) in Travis County, Texas, in an amount of $140,000, for a total contract amount not to exceed $380,000. (concerns the City's condemnation case)

Amount and Source of Funding: Funding in the amount of $70,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Convention Center and funding in the amount of $70,000 is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy.

For More Information: Anne Morgan, Assistant City Attorney, 974-2507

Prior Council Action: On March 2, 2006, Council authorized an amendment in the amount of $180,000. On May 17, 2007, Council authorized an amendment in the amount of $50,000.

This action authorizes an amendment to the legal services contract with Cox Smith Matthews, San Antonio, TX, to provide legal counsel regarding City of Austin v. Harry M. Whittington, et al.; Cause No. GV-07-000942; in the 353rd Judicial District Court (formerly Cause No. 2403, in the County Court at Law No. 1) in Travis County, Texas. This case involves the City's condemnation of property.
The Law Department contracted with Cox Smith Matthews on September 30, 2005, to review the legal position of the City. The original contract amount was $10,000, which was under the department's administrative authority. On March 2, 2006, Council authorized an amendment to that contract in an amount of $180,000. On May 17, 2007, Council authorized an amendment in the amount of $50,000. Council is now being asked to authorize an additional $140,000 on this contract. This will be used for the firm to complete its representation of the City in the case.