



**Outside Counsel  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 8  
AGENDA DATE: Thu 02/26/2004  
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**SUBJECT:** Authorize negotiation and execution of an amendment to the outside counsel contract with CORNELL SMITH, L.L.P., Austin, TX, in *Hector Fabela v City of Austin*, Cause No. 97-01805; in the 345th Judicial District Court of Travis County, Texas, in the amount of \$40,000, with a total contract amount not to exceed \$163,000.

**AMOUNT & SOURCE OF FUNDING:** Funding in the amount of \$40,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Liability Reserve Fund.

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING Law  
DEPARTMENT:**

**DIRECTOR'S  
AUTHORIZATION:** Dana Johnson

**FOR MORE INFORMATION CONTACT:** David Smith, City Attorney, 512-974-2268; Dana Johnson, Acting Division Chief, 512-974-2171

**PRIOR COUNCIL ACTION:** Resolution 5/6/99 in the amount of \$46,000

**BOARD AND COMMISSION ACTION:** N/A

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This amendment increases the amount of the legal services contract with Cornell Smith, L.L.P., for representation in *Hector Fabela v City of Austin*, Cause No. 97-01805; in the 345th Judicial District Court of Travis County, Texas.

The Law Department entered into a contract with Connie Cornell while she was employed with Jenkins & Gilchrist, P.C. on April 3, 1997 for an original contract amount of \$20,000. Administrative approval of \$19,000 was granted on January 21, 1998, for a total contract amount of \$39,000. The City Council passed a resolution on May 6, 1999 in the amount of \$46,000. Administrative approval was granted on May 9, 2002 in the amount of \$20,000, for a total contract amount of \$105,000.

In April 2003, Connie Cornell left Jenkins & Gilchrist, P.C. to establish the firm of Cornell Smith, L.L.P. The existing legal agreement, in the amount of \$105,000, with Jenkins & Gilchrist, P.C. was transferred to Cornell Smith, L.L.P. Administrative approval was granted on July 2, 2003 in the amount of \$18,000, for a total contract amount of \$123,000. Additional payment authority of up to \$40,000 is necessary to pay anticipated fees through the end of FY04, with a total contract amount not to exceed \$163,000.