



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

**AGENDA ITEM NO.: 20
AGENDA DATE: Thu 06/23/2005
PAGE: 1 of 1**

SUBJECT: Authorize negotiation and execution of an amendment to the outside counsel contract with BICKERSTAFF, HEATH, SMILEY, POLLAN, KEVER & MCDANIEL, L.L.P., Austin, TX, to provide legal counsel to the City concerning the possible acquisition of all or part of an 86 acre tract of land on Highway 71 East, Austin, Travis County, Texas owned by Airport Commercial Center, Ltd., in the amount of \$55,000, with a total contract amount not to exceed \$80,000.

AMOUNT & SOURCE OF FUNDING: Funding in the amount of \$55,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Aviation Department

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

**REQUESTING Law
DEPARTMENT:**

**DIRECTOR'S
AUTHORIZATION: Karen Kennard**

FOR MORE INFORMATION CONTACT: David Allan Smith, City Attorney / 974-2268; David Petersen, Assistant City Attorney / 974-2518

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

This amendment increases the amount of the legal contract with Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, L.L.P. to provide legal counsel concerning the possible acquisition of all or part of an 86 acre tract of land on Highway 71 East, Austin, Travis County, Texas owned by Airport Commercial Center, Ltd.

The Law Department originally contracted with this firm on March 14, 2005. Because the landowner is currently in a Chapter 11 bankruptcy proceeding, the transaction has become significantly more complex and requires more legal time and effort than originally anticipated. Additional payment authority of up to \$55,000 is necessary to pay anticipated fees through the end of the FY05, with a total contract amount not to exceed \$80,000.

CIP BUDGET FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

23-Jun-05
Resolution
Aviation

Description: Authorize negotiation and execution of an amendment to the outside counsel contract with BICKERSTAFF, HEATH, SMILEY, POLLAN, KEVER & MCDANIEL, L.L.P., Austin, TX to provide legal counsel to the City concerning the possible acquisition of all or part of an 86 acre tract of land on Highway 71 East, Austin, Travis County, Texas owned by Airport Commercial Center, Ltd., in the amount of \$55,000, with a total contract amount not to exceed \$80,000.

FINANCIAL INFORMATION:

Project Name:	ABIA Improvements
Project Authorization:	2004-05 Capital Budget
Funding Source:	Airport Capital Fund
	Entitlement grants
Fund/Agency/Orgn:	4910-817-3097

Current Appropriation	\$	123,798,963
Unencumbered Balance		21,847,425
Amount of this Action		<u>(55,000)</u>
Available Balance	\$	21,792,425

Use of Estimated Remaining Balance

Noise Mitigation and Flight Track Monitoring System	\$	6,049,364
Terminal Modifications		49,266
Balcony Etched Glass		48,900
Etched Glass, Engineering Support		6,988
Field Maintenance Facility		67,649
Security System Improvements		108,918
Alternative Fuel (Propane) Facility		2,805
Parking Structure Rehabilitation		23,476
Emergency Dispatch Center at Ops Building		74,063
Public Parking Improvements		304,065
Pavement Maintenance		703,025
Terminal Improvements		2,169,821
APPD CIP		81,723
Info Systems-Comm. Center		4,401
Air Cargo Pond Correction		18,121
Baggage Screen		878,609
Terminal Leak Repairs		1,698,724
Bldg 6010 Roof Repairs		182,434

ERS Perimeter Road Study	347,774	
AIPP Ped Bridge	13,908	
Elevator & Escalator Improvements	350,848	
Maynard Tract	39,110	
Airfield Lighting Improvements Pavement Rehab	2,859,790	
Noise Mitigation	4,579,616	
ABIA Security Improvements Phase 2	206,882	
AIPP 2005	131,730	
Part 150 Update	500,000	
SIDA Gate Project	65,742	
Parent level	<u>424,674</u>	
	\$ 21,792,425	\$ 21,792,425
		<u>0</u>
Currently Unbudgeted/Unobligated		\$ 0

Finance: Charlora Elgible Date: 6-7-05