



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

**AGENDA ITEM NO.: 3  
AGENDA DATE: Thu 04/15/2004  
PAGE: 1 of 1**

**SUBJECT:** Authorize negotiation and execution of an amendment to the legal services contract with SCOTT, DOUGLASS & MCCONNICO, L.L.P., Austin, Texas, for representation in *Michael King v. City of Austin*, Texas, Cause No. GN100452, in the 345th Judicial District Court of Travis County, Texas, for an increase of \$25,000, with a total contract amount not to exceed \$175,000

**AMOUNT & SOURCE OF FUNDING:** Funding in the amount of \$25,000 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 Allan Smith, City Attorney, 512-974-2268; Dana Johnson, Acting Division Chief, 512-974-2171

**PRIOR COUNCIL ACTION:** 6/27/03 in the amount of \$50,000, 5/22/03 in the amount of \$58,000.

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

---

In this case Plaintiff APD officer King sought class certification for his complaints that the City's 1993 ordinance pertaining to bi-lingual pay was defective and that he and others were entitled to additional monies. The trial court's order denying class certification was recently affirmed by the Third Court of Appeals, but the merits of the case are yet to be heard.

This amendment increases the amount of legal services contract with Scott, Douglass & McConnico, L.L.P., Austin, Texas for representation in the case. The Law Department contracted with this firm on May 11, 2001 for an original contract amount of \$42,000. Council approved a resolution increasing the contract by \$50,000 on June 27, 2002, and an additional \$58,000 on May 22, 2003. Additional payment authority of up to \$25,000 is necessary to pay anticipated fees through the end of the fiscal year, with a total contract amount not to exceed \$175,000.