



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

AGENDA ITEM NO.: 8
AGENDA DATE: Thu 04/22/2004
PAGE: 1 of 1

SUBJECT: Authorize negotiation and execution of an outside counsel contract with GRAVES, DOUGHERTY, HEARON, & MOODY, P.C., Austin, TX, in *Hyde Park Baptist Church v City of Austin and Hyde Park Neighborhood Association*, Cause No. GN202015, in the 98th Judicial District Court of Travis County, Texas, in an amount not to exceed \$45,000.

AMOUNT & SOURCE OF FUNDING: Funding in the amount of \$45,000 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: N/A

BOARD AND COMMISSION ACTION: N/A

Council is requested to approve outside counsel fees and expenses up to \$45,000 for the services of Graves, Dougherty, Hearon & Moody, P.C., for representation in the lawsuit styled *Hyde Park Baptist Church v City of Austin and Hyde Park Neighborhood Association*.

The City originally contracted with George & Donaldson, L.L.P. for representation in this lawsuit on April 2, 2001 for a contract amount of \$42,000. David Donaldson and Peter Kennedy provided these services. Council approved an additional \$143,000 on April 19, 2001, and \$100,000 on July 17, 2002, but only \$50,000 of that \$100,000 has been expended. David Donaldson and Peter Kennedy have joined the firm of Graves, Dougherty, Hearon & Moody, P.C., and this new contract will allow the continuation of their services. Payment authority of up to \$45,000 is necessary to pay anticipated fees in this case.