



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

**AGENDA ITEM NO.:** 6  
**AGENDA DATE:** Thu 10/28/2004  
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**SUBJECT:** Approve an amendment to the legal services contract with Scott, Douglass & McConnico, L.L.P., Austin, for representation in *F.L. Vivion, N.K. Ballard, L.I. Ballard, et al. v. City of Austin*, Cause No. GN 103302; in the 261<sup>st</sup> Judicial District, Travis County, Texas, in the amount of \$283,000.00, resulting in a total contract limit of \$876,000.00.

**AMOUNT & SOURCE OF FUNDING:** Funding in the amount of \$283,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy.

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

**REQUESTING Law  
DEPARTMENT:**

**DIRECTOR'S  
AUTHORIZATION:** Bob Kahn

**FOR MORE INFORMATION CONTACT:** David Allan Smith, City Attorney/974-2168; Dana Johnson, Assistant City Attorney/974-2171

**PRIOR COUNCIL ACTION:** Item #11 on February 12, 2004, in the amount of \$350,000.00.

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

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This amendment increases the amount of the legal services contract with Scott, Douglass & McConnico, L.L.P., for representation in *F.L. Vivion, N.K. Ballard, L.I. Ballard et al, v. the City of Austin*, Cause No. GN 103302; in the 261<sup>st</sup> Judicial District, Travis County, Texas. This is a class action.

The Law Department contracted with this firm on January 8, 2002, for an original contract amount of \$43,000.00. The City Council passed a resolution on March 7, 2002, to increase the outside counsel contract for an amount not to exceed \$243,000.00. On February 12, 2002, The Council approved an increase in the contract, for a contract amount not to exceed \$593,000.00

The Council is now requested to approve an increase in the amount of \$283,000.00 to cover legal services and expenses that will be incurred through the end of this Fiscal Year. The entire contract will not exceed \$876,000.00.