



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

AGENDA ITEM NO.: 15
AGENDA DATE: Thu 12/16/2004
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SUBJECT: Approve an amendment to the legal services contract with ROGERS & WRIGHT, P.C., Dallas, TX, for representation in the acquisition of real property either by negotiation or condemnation from Harry M. Whittington, et al., increase funding by \$54,200 for a total contract limit of \$81,300.

AMOUNT & SOURCE OF FUNDING: Funding in the amount of \$27,100 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Convention Center Department, and funding in the amount of \$27,100 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:** Anne Morgan

FOR MORE INFORMATION CONTACT: David Smith, City Attorney / 974-2168; Chester Beaver, Assistant City Attorney / 974-2317

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

This amendment increases the amount of the legal services contract with Rogers & Wright, P.C. for representation in *Harry M. Whittington, et al. v City of Austin*, Cause No. GN302752.

The Law Department contracted with this firm on October 13, 2003 for an original contract amount of \$27,100. Additional work is needed in this matter. Outside counsel has provided their best estimate of the fee amount which will be necessary for representation, and have indicated that \$54,200 will likely be needed this fiscal year.

The Council is requested to approve the additional funding.