

A U S T I N C I T Y C O U N C I L
AGENDA

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Thursday, August 10, 2006

 + Back  Print**Law**
RECOMMENDATION FOR COUNCIL ACTION**ITEM No. 13**

Subject: Approve an amendment of the outside counsel contract with SCOTT, DOUGLASS & MCCONNICO, L.L.P., Austin, TX, for legal representation in connection with the City's claims in City of Austin v. Level 3 Communications, Inc. and Level 3 Communications, LLC; Cause No. GN 304585, in the 353rd Judicial District Court, Travis County, Texas, for damages to the City's Onion Creek Tunnel and liner, in an amount not to exceed \$35,000 for a total contract amount not to exceed \$1,093,000.

Amount and Source of Funding: Funding in the amount of \$35,000 is available in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility. (Related to item #65)

Additional Backup Material

(click to open)

 **AWU Fiscal Note 00222W****For More Information:** Anne Morgan, Assistant City Attorney, 974-2507**Prior Council Action:** May 25, 2006, by Resolution No. 20060525-051

On October 30, 2003, Council approved an outside counsel contract with Scott, Douglass & McConnico, L.L.P., for legal representation in this lawsuit in an amount of \$350,000. Council authorized an additional amount of \$708,000 on August 4, 2005. Additional fees are needed for resolving this lawsuit.

Council is now requested to approve an amendment to the outside counsel contract in the amount of \$35,000, for a total contract amount not to exceed \$1,093,000.

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

07/27/06
Resolution
Austin Water Utility

DESCRIPTION:

Approve an amendment of the outside council contract with Scott, Douglass & McConnico, L.L.P., Austin, Texas, for legal representation in connection with the City's claims in City of Austin V. Level 3 Communications, Inc. and Level 3 Communications, LLC; Cause No. GN 304585, in the 353rd Judicial District Court, Travis County, Texas, for damages to the City's Onion Creek Tunnel and Liner, in the amount not to exceed \$35,000 for a total contract amount not to exceed \$1,093,000

FINANCIAL INFORMATION:

| | |
|------------------------|-----------------------------------|
| Parent Project Name: | Wastewater Improvements- Citywide |
| Project Authorization: | 2005-06 Approved Capital Budget |
| Funding Source: | Current Revenue |
| Number: | 4480 237 2016 |

| | |
|--------------------------------|---------------------------|
| Current Appropriation | \$ 122,106,829.00 |
| Unencumbered Balance | 22,036,641.57 * |
| Amount of This Action | <u>\$ (35,000.00)</u> |
| Remaining Balance | <u>\$ 22,001,641.57</u> |
| Current Available Balance | \$ 23,009,074.57 |
| Less Outstanding Commitments | <u>(972,433.00)</u> |
| Estimated Unencumbered Balance | <u>\$ 22,036,641.57 *</u> |

Utility Finance: _____


David Anders, Utilities Finance Manager

Date: 7/28/06

REF. # 4480 237 8673