



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

AGENDA ITEM NO.: 15
AGENDA DATE: Thu 12/01/2005
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SUBJECT: Approve an amendment of the outside counsel contract with SCOTT, DOUGLASS & MCCONNICO, L.L.P, Austin, TX, for legal representation in connection with *City of Austin v. FPL Energy Upton Wind I, L.P.*, Cause No. GN403274 in the 345th Judicial District Court of Travis County, Texas, in an amount not to exceed \$225,000 for a total contract amount not to exceed \$855,000.

AMOUNT & SOURCE OF FUNDING: Funding in the amount of \$225,000 is available in the Fiscal Year 2005-2006 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: Andy Perny

FOR MORE INFORMATION CONTACT: Andy Perny, Assistant City Attorney, 322-6277

PRIOR COUNCIL ACTION: Council approved the original contract on October 30, 2003

BOARD AND COMMISSION ACTION: N/A

On October 30, 2003, Council approved an outside counsel contract with Scott, Douglass & McConnico, L.L.P. in an amount not to exceed \$630,000, for legal representation in *City of Austin v. FPL Energy Upton Wind I, L.P.* Additional funds are needed to pay legal fees and expenses in representing the City in this lawsuit through final disposition of appeal.

The Council is requested to approve an amendment to this outside counsel contract in the amount of \$225,000 for a total contract amount not to exceed \$855,000.