

# Mayor and Council Communication

**DATE:** 02/28/23

**M&C FILE NUMBER:** M&C 23-0170

**LOG NAME:** 21SPECTRUM LITIGATION SPENDING AUTHORITY

## **SUBJECT**

ALL) Adopt a Resolution Authorizing an Increase in an Amount Not to Exceed \$5,000.00 to be Paid to Lloyd Gosselink Rochelle & Townsend, P.C., as Outside Legal Counsel for Legal Matters Relating to the Lawsuit Against Charter Communications, VI, LLC d/b/a Spectrum Cable to Recover Unpaid Franchise Fees Owed to Fort Worth for a New Total Amount Not to Exceed \$95,000.00

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## **RECOMMENDATION:**

It is recommended that the City Council adopt the attached resolution authorizing an increase in an amount not to exceed \$5,000.00 to the maximum amount to be paid to the law firm of Lloyd Gosselink Rochelle & Townsend, P.C., as outside legal counsel for legal services related to the lawsuit against Charter Communications, VI, LLC d/b/a Spectrum Cable to recover unpaid franchise fees owed to Fort Worth, for a new total amount not to exceed \$95,000.00.

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## **DISCUSSION:**

On April 6, 2021, by Mayor and Council Communication (M&C) 21-0247 and Resolution No. 5374-04-2021, the City Council approved an increase in the amount of \$30,000.00 to the maximum amount to be paid to the law firm of Lloyd Gosselink Rochelle & Townsend, P.C., as outside legal counsel for legal services related to the lawsuit against Charter Communications, VI, LLC d/b/a Spectrum Cable to recover unpaid franchise fees owed to Fort Worth, for a total amount of \$90,000.00.

Outside legal counsel has made significant progress in negotiating the final terms of the settlement agreement with Spectrum and are focusing on disclosure of the actual terms of the settlement agreement. Litigation is expected to end in March 2023 and additional spending authority is needed to bring this lawsuit to a final and successful conclusion. The estimated additional spending authority for the City of Fort Worth's portion for legal services is an amount not to exceed \$5,000.00.

Staff recommends City Council adopt the attached resolution, which will increase the total amount of compensation to be paid to the Law Firm of Lloyd Gosselink Rochelle & Townsend, P.C., by an amount not to exceed \$5,000.00, for a new total amount not to exceed \$95,000.00.

Funding is budgeted in the Other Contractual Services account of the Property Management Department's General Fund, as appropriated.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

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## **FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that upon approval of the above recommendation, funds are available in the current operating budget, as previously appropriated, in the General Fund. Prior to an expenditure being incurred, the Property Management Department has the responsibility to validate the availability of funds.

**Submitted for City Manager's Office by:** Dana Burghdoff 8018

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