

Mayor and Council Communication

DATE: 04/06/21

M&C FILE NUMBER: M&C 21-0247

LOG NAME: 21SPECTRUM LITIGATION

SUBJECT

(ALL) Adopt Attached Resolution Authorizing an Increase in the Amount of \$30,000.00 to be Paid to the 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 Total Amount of \$90,000.00

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution authorizing 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.

DISCUSSION:

On August 7, 2018, by Mayor and Council Communication (M&C) G-19337 and Resolution No. 4962-08-2018, the City Council approved the hiring of the law firm Lloyd Gosselink Rochelle & Townsend, P.C. to file a lawsuit against Spectrum for the purpose of recovering unpaid franchise fees. At that time, the anticipated cost to Fort Worth of the litigation was approximately \$60,000.00 (Fort Worth's share of the potential recovery of unpaid franchise fees minus the share of anticipated litigation costs).

The litigation is still pending and it is estimated that an additional amount of approximately \$30,000.00 beyond the current authorized \$60,000.00 will be needed for the legal services to bring this lawsuit to a successful conclusion.

Adoption of this resolution will increase the amount of compensation to be paid to the Law Firm of Lloyd Gosselink Rochelle & Townsend, P.C., by 30,000.00, for a total amount of \$90,000.00.

A Form 1295 is not required because: This contract legally does not require City Council approval.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current operating budget of the General Fund, as previously appropriated, in the General Fund to support the approval of the above recommendation and resolution to increase contract amount. 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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