



City of Killeen

Legislation Text

File #: RS-23-050, **Version:** 1

Consider a memorandum/resolution ratifying an agreement with Lloyd Gosselink for legal services related to Oncor Electric v. The City of Killeen and acquiring the street lighting system.

DATE: March 7, 2023

TO: Kent Cagle, City Manager

FROM: Holli Clements, City Attorney

SUBJECT: Ratify Agreement with Lloyd Gosselink for Legal Services

BACKGROUND AND FINDINGS:

On May 25, 2022, the City engaged Lloyd Gosselink Rochelle & Townsend, P.C. (Lloyd Gosselink) to represent the City with regard to potentially acquiring the street lighting system from Oncor. Since that time, the City made a formal offer to Oncor to purchase the street light system. Oncor did not accept that offer. On January 13, 2023, Oncor filed a lawsuit for declaratory and injunctive relief to restrain the City from condemning the street light system.

The City has been advised that costs to continue to defend the declaratory judgment suit and continue attempts to purchase the street light system will exceed \$50,000 in this fiscal year. Accordingly, the City Council is being asked to ratify the City Manager's signature on the engagement letter.

THE ALTERNATIVES CONSIDERED:

The Council's alternatives are:

1. to ratify the City Manager's signature on the Lloyd Gosselink agreement for legal services related to the Oncor lawsuit and the street lighting system; or
2. not ratify the City Manager's signature on the Lloyd Gosselink agreement.

Which alternative is recommended? Why?

It is recommended that the City Council ratify the agreement with Lloyd Gosselink if it wants to continue to defend the Oncor lawsuit and continue to attempt to purchase the street light system.

CONFORMITY TO CITY POLICY:

Ratification of this agreement is in compliance with state law and city policy. Expenses related to retaining an attorney are professional services and are exempt from competitive purchasing requirements.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

Expenditures for legal services for this contract will be determined by decisions made by the City with regard to defending the lawsuit and acquiring the street lighting system.

Is this a one-time or recurring expenditure?

Recurring until resolution of litigation and acquisition of street lighting system

Is this expenditure budgeted?

A budget amendment is required.

If not, where will the money come from?

Funding for the professional services agreement will come from fund balance in the Governmental CIP Fund.

Is there a sufficient amount in the budgeted line-item for this expenditure?

Upon approval of the budget amendment.

RECOMMENDATION:

Staff recommends that the City Council ratify the agreement with Lloyd Gosselink for legal services related to Oncor Electric v. The City of Killeen and the street lighting system.

DEPARTMENTAL CLEARANCES:

Finance
Purchasing
City Manager

ATTACHED SUPPORTING DOCUMENTS:

Engagement Letter