

Agenda Item Details

Meeting	Mar 05, 2019 - Bryan City Council Second Regular Meeting
Category	6. Statutory (Automatic Approval) Agenda - This agenda consists of items previously approved by Council action such as adoption of items that are part of an approved budget or capital improvement projects, first and only readings of ordinances, interlocal agreements, or action that is required by law or delegated to the City Manager. Items may be removed from the statutory agenda for separate consideration at the request of two Councilmembers.
Subject	I. Adoption of a resolution of the City Council of the City of Bryan, Texas, authorizing the Mayor to execute an engagement agreement with Ewell, Brown, Blanke & Knight, L.L.P., to provide legal services in connection with potential litigation relating to Bryan Texas Utilities' utility poles and the Agreements relating thereto, and authorizing the filing and prosecution of proceedings to enforce such agreements.
Type	Action (Statutory)
Preferred Date	Mar 05, 2019
Absolute Date	Mar 05, 2019
Fiscal Impact	Yes
Budgeted	No
Budget Source	BTU (fund balance)
Goals	Infrastructure

Summary:

As discussed in executive session of a previous meeting of the City Council, the City of Bryan Legal Department and BTU staff have been working with an outside law firm regarding potential litigation resulting from performance of a contract with Frontier Communications.

Staff Analysis and Recommendation:

The BTU Board of Directors have reviewed the potential litigation issue and recommend the City Council approve the proposed Resolution authorizing the Mayor to sign an engagement agreement with the law firm of Ewell, Brown, Blanke & Knight LLP, and any other documents necessary to effectuate such firm's engagement in connection with potential litigation relating to the Bryan Texas Utilities' utility poles and the agreements relating thereto, and further authorizing the filing and prosecution of proceedings to enforce such agreements.

Options:

1. Approve the Resolution as written.
2. Recommend modifications to the Resolution and approve as modified, which may require consideration at a future City Council meeting.
3. Send the item back to the BTU Board of Directors with direction for further discussion.
4. Do not approve the Resolution.

Attachment:

1. Proposed Resolution
2. Engagement Agreement

[BTU Resolution - Legal Engagement Agmt.pdf \(177 KB\)](#)

[BTU Engagement Letter.pdf \(242 KB\)](#)