

February 12, 2020

**WHEREAS**, the City of Dallas has engaged Moses, Palmer & Howell, L.L.P. to provide legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443; and

**WHEREAS**, on April 8, 2013, Administrative Action No. 13-5401, authorized a professional services contract with Moses, Palmer & Howell, L.L.P., to provide legal advice regarding laws pertaining to mineral rights and potential litigation, in an amount not to exceed \$50,000.00; and

**WHEREAS**, on June 19, 2013, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal advice regarding laws pertaining to mineral rights and potential litigation, in an amount not to exceed \$150,000.00, from \$50,000.00 to \$200,000.00, by Resolution No. 13-1036; and

**WHEREAS**, on November 14, 2018, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443, in an amount not to exceed \$100,000.00, from \$200,000.00 to \$300,000.00, by Resolution No. 18-1585; and

**WHEREAS**, on April 10, 2019, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443, in an amount not to exceed \$275,000.00, from \$300,000.00 to \$575,000.00, by Resolution No. 19-0487; and

**WHEREAS**, on November 13, 2019, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443, in an amount not to exceed \$300,000.00, from \$575,000.00 to \$875,000.00, by Resolution No. 19-1747; and

**WHEREAS**, the professional legal services of Moses, Palmer & Howell, L.L.P., continue to be necessary.

**Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

February 12, 2020

**SECTION 1.** That the City Manager is hereby authorized to execute Supplemental Agreement No. 5 to the professional services contract with Moses, Palmer & Howell, L.L.P., approved as to form by the City Attorney, for additional legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443, in an amount not to exceed \$300,000.00, increasing the contract amount from \$875,000.00 to \$1,175,000.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$300,000.00 in periodic payments to Moses, Palmer & Howell, L.L.P., Fund 0192, Department ORM, Unit 3890, Object 3033, Encumbrance CT-ATT389013J287, Vendor VS0000023531.

**SECTION 3.** That this contract is designated as Contract No. ATT-2019-00008440.

**SECTION 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.