



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
www.cityofdenton.com

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** City Attorney's Office  
**ACM:** Mack Reinwand, City Attorney  
**DATE:** November 19, 2024

### **SUBJECT**

Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a third amendment to an engagement between the City of Denton and Lloyd Gosselink Rochelle & Townsend, P.C., amending the engagement approved by the City Council on July 20, 2021, in the not-to-exceed amount of \$550,000.00; amended by Amendments 1 and 2, approved by City Council; said third amendment to provide additional legal services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (File 7762 – providing for an additional third amendment expenditure amount not-to-exceed \$100,000.00, with the total contract amount not-to-exceed \$950,000.00).

### **INFORMATION/BACKGROUND**

Denton Municipal Electric (“DME”) filed an application for a Full Transmission Cost of Service (“TCOS”) case with the Public Utility Commission of Texas (“PUCT”) November 1, 2021. PUCT ultimately ordered DME to perform a depreciation study of its assets. After DME performed the depreciation study it filed an amended application December 1, 2022. After the application was deemed administratively complete, a hearing for the application was scheduled for May 11, 2023. The PUCT issued their final order in October of 2023 and DME has been pursuing the appeal of this order since. November 13, 2024 the Travis County District Court heard both DME’s and the PUCT’s arguments related to the appeal and is expected to rule on the appeal in the upcoming months.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On July 20, 2021, City Council approved an engagement with Lloyd Gosselink Rochelle & Townsend, P.C., in the not-to-exceed amount of \$550,000.00.

On July 18, 2023, City Council approved an engagement with Lloyd Gosselink Rochelle & Townsend, P.C., in the not-to-exceed amount of \$300,000.00.

### **RECOMMENDATION**

Award Amendment No. 3 with Lloyd Gosselink Rochelle & Townsend, P.C., to provide additional legal services for the City of Denton, in a not-to-exceed amount of \$100,000.00, for a total amended contract amount of \$950,000.00.

## **PRINCIPAL PLACE OF BUSINESS**

Lloyd Gosselink Rochelle & Townsend, P.C.  
Austin, TX

## **ESTIMATED SCHEDULE OF PROJECT**

This increased spend is to cover additional expenses in pursuing the appeal of the PUCT's Final Order. The Travis County District Court Judge took the case under advisement November 13, 2024 and will rule on the appeal in the coming months. There is limited expected work on this matter until an order is filed and the City Attorney's Office will update City Council with next steps at that time.

## **FISCAL INFORMATION**

These services will be funded from Denton Municipal Electric operating account 600004.7879. Purchase Order #198255 will be revised to include the third amendment amount of \$100,000.00. The total amended amount of this contract is \$950,000.00.

## **EXHIBITS**

Exhibit 1: Agenda Information Sheet  
Exhibit 2: Ordinance

Respectfully submitted:

/s/ Devin Alexander  
Deputy City Attorney

Legal Staff Contact:  
Devin Alexander