

CITY OF SAN ANTONIO ITEM NO. 27  
 INTERDEPARTMENTAL CORRESPONDENCE  
 CITY ATTORNEY'S OFFICE

TO: Mayor and City Council

FROM: Andrew Martin, City Attorney and Ben Gorzell Jr., CPA, Public Utilities Supervisor/Assistant  
 Director of Finance

THROUGH: Terry M. Brechtel, City Manager

COPIES  
 TO: Milo D. Nitschke, Finance Director; Celia Murphy, Legal Administrator, City Attorney's Office

SUBJECT: Professional Services Contract with Miller, Canfield, Paddock & Stone, P.L.C.

DATE: January 30, 2003

**SUMMARY AND RECOMMENDATION**

This ordinance authorizes an amendment to the Professional Services Contract with Miller, Canfield, Paddock & Stone, P.L.C. to continue to provide legal services for telecommunications, cable, broadband or internet related matters or policies, including the participation in the formal ascertainment process or informal renewal discussions with the incumbent cable franchise holder; reopener negotiations with the new entrant; the negotiations and development of any necessary agreements related to such matters and any related issues; authorizes an amendment to the Professional Services Agreement with Miller, Canfield, Paddock & Stone, P.L.C.; and authorizes payment in an amount not to exceed \$40,000.00 for such services.

Staff recommends approval of this Ordinance.

**BACKGROUND**

Since 1998, the City has utilized the legal services of Miller, Canfield, Paddock & Stone, P.L.C. to assist the City in matters related to the development of the City's cable and telecommunications policies and agreements. Mr. Tillman Lay has served as the lead on providing these services and has extensive expertise in the area of federal cable and telecommunications law. He has advised numerous local governments throughout the nation and is frequently asked to make presentations to local government managers, officials and policy makers. Most recently, Mr. Lay has provided legal services related to the City's franchise agreements with Time Warner Cable, Western Integrated Networks, and Grande Communications which have included issues such as the interconnection of the Public, Educational and Government channels (PEG).

In addition, the City has begun the renewal process with the incumbent cable provider (Time Warner Cable) and anticipates reopening negotiations with the new entrant (Grande Communications) to coincide with the incumbent's renewal. Approval of this amendment with Miller, Canfield, Paddock & Stone, P.L.C., with Mr. Lay as lead, will provide for continuity of legal services on these issues.

### POLICY ANALYSIS

This Ordinance is consistent with the City's policy to retain outside legal counsel if necessary to provide legal expertise in a specialized area such as telecommunications and cable law. Miller, Canfield, Paddock & Stone, P.L.C. is a law firm headquartered in Washington, D.C. Mr. Tillman Lay has been designated as the lead attorney for this engagement and his services will complement the legal services provided by the City Attorney's Office. As is customary with the retention of all outside legal counsel, the firm entered into a professional services contract with the City which requires compliance with the City Attorney's Office Guidelines.

### FINANCIAL IMPACT


A sum not to exceed \$40,000.00 for these professional services will be funded from the General Fund. In the event additional funds are necessary for additional legal assistance by this firm, further City Council approval will be required.

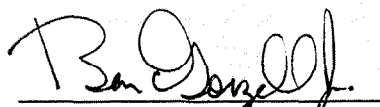
### COORDINATION

This item has been coordinated through the Public Utilities Division and the City Attorney's Office.

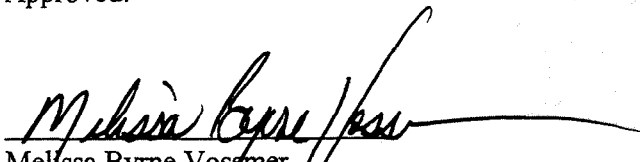
### SUPPLEMENTARY COMMENTS


The required ethics disclosure form is attached.

*Km*   
Andrew Martin  
City Attorney

  
Ben Gorzell Jr., CPA  
Public Utilities Supervisor/  
Assistant Director of Finance

Approved:

  
Melissa Byrne Vossmer  
Assistant City Manager

  
Terry M. Brechtel  
City Manager

**City of San Antonio  
Discretionary Contracts Disclosure\***

For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2  
Attach additional sheets if space provided is not sufficient.  
State Not Applicable for questions that do not apply.

\* This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.

[REDACTED]

[REDACTED]

None.

[REDACTED]  
Miller, Canfield, Paddock & Stone, PLC, a Michigan Professional Limited Liability Company.

[REDACTED]

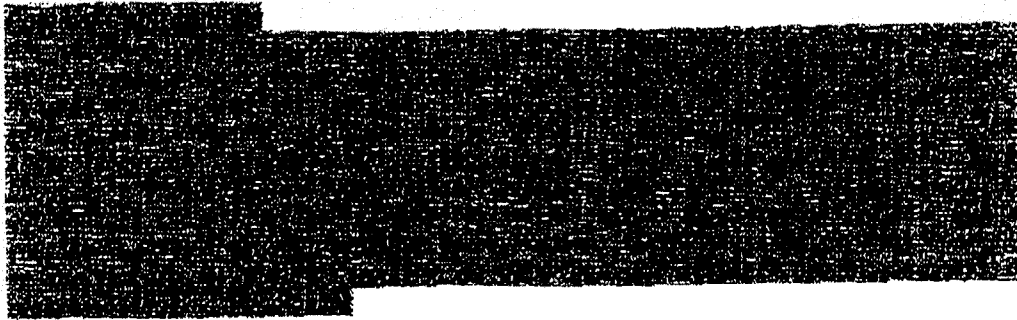
None.

[REDACTED]

See attached list of principals of the firm.

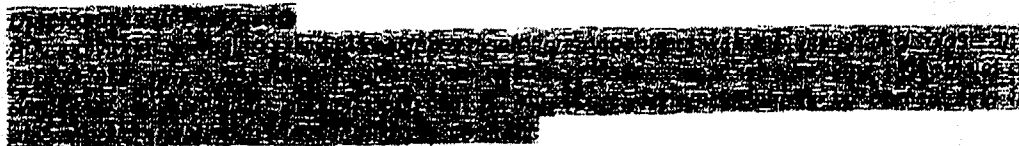
(3) [REDACTED]

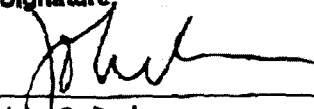
None.



None.

To Whom Made:	Amount:	Date of Contribution:



None.		
<b>Signature:</b>  John O. Renken	<b>Title:</b> Resident Director <b>Company:</b> Miller, Canfield, Paddock & Stone, PLC	<b>Date:</b> 1/23/03

WALIB:91032.2110794-00002

<sup>1</sup> For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

Acomb, Frederick A.  
Alaimo, Michael A.  
Altobelli, Dean M.  
Anderson, Timothy L.  
Andrews, Frank L.  
Angeli, Elisa  
Appleman, Thomas G.  
Arbuckle, Brad B.  
Asher, Leroy L., Jr.  
Atkins, Michael R.  
Babicki, Wojciech  
Barringer, Leland D.  
Basile, Marjory G.  
Baylor, Ronald E.  
Bennett III, Vernon  
Birgbauer, Bruce D.  
Boonstra, Mark T.  
Brown Jr, Eric V.  
Brustad, Orin D  
Bulger, Harold W., Jr.  
Burns, Beverly H.  
Campbell, Jac  
Campbell, Michael G.  
Charette, Gerard P.  
Coakley, Michael P.  
Colis, Thomas D.  
Cook, John R.  
Cooke, James H.  
Crawford, Terrence M.  
Crim, Douglas W.  
Curtner, Gregory L.  
Danhof, William J.  
DeJong, Robert L.  
Dembowski, Christopher J.  
DiCenso, Gregory V  
Donati, Donna J.  
Duben, Michael E.  
Dudek, Lawrence M.  
Duerr Jr., Charles A.  
Elkins, Bettye S.  
Faison, W. Mack  
Faycurry, Joanne

Fazio, Joseph M.  
Foresman, James  
French, David A.  
Gaffin, Richard A.  
Galvin, Joseph F.  
Gilbert, Robert E.  
Givens, Leonard D.  
Goldberg, Jerry L.  
Green, Jonathan S.  
Haddad, Robert J  
Hamby, Sally A.  
Hartmann, Michael W.  
Hathaway, Irene Bruce  
Hintzen, Erich H.  
Hodess, Ronald E.  
Hodge, Michael J.  
Hustoles, Thomas P.  
Indenbaum, Michael A.  
Joswick, David D.  
Kantor, Allyn D.  
Keim, Donald W.  
Kilbourne, Douglas M.  
Konop, Kenneth E.  
Leschied, Donald W.  
Linn, Thomas W.  
Lipford, Rocque E.  
Manildi, Marta A.  
Marxer, John A.  
McGee, Michael P.  
McGow, Patrick F.  
McHugh, Jeffrey M.  
McKim III, Samuel J.  
McLeod, David K.  
Mishkind, Charles S.  
Moody, Kevin J.  
Morga, Gino  
Neiman, Dennis R.  
Norris, Megan P.  
Ossian, Kathryn L.  
Ott, Stephen J.  
Palms, Stephen G.  
Parachini, Thomas G.

Parsigian, David N.  
Phillips, Thomas C.  
Piell, Joel L.  
Pozza Jr., Clarence L.  
Purkey, Lori L.  
Putney, Mark E.  
Reck, J. David  
Renken, John O.  
Rhoades, Robert F.  
Riback, Ronald H.  
Ritter, Charles E.  
Roach, Steven A.  
Rupley, Jerry T.  
Saylor, Larry J.  
Schluter, Dawn M.  
Schmidt, Don M.  
Serr, Erik H.  
Seryak, Richard J.  
Shafer, Kent E.  
Shulgan, Myron W.  
Slopen, Jeffery M.  
Sochocki, Timothy D.  
Spurr, James E.  
Stankewicz, Steven M.  
Stek, Stanley J.  
Taylor, W. Earl  
Thompson, Deborah W.  
Thurber, John A.  
Traison, Michael H.  
Trimmer, J. Kevin  
Van Dis, Thomas H.  
Van Dusen, Amanda  
Van Slambrouck, John G.  
Vantine Jr., James G.  
von Ende, Carl H.  
Walawender, Richard A.  
Waldmeir, Peter W.  
Watson, Jerome R.  
Williams, James W.

WALTR:92898.1\113516-00002