

**Meeting Date (?)** 06/07/2016

**Subject Matter\* (?)** Consider authorizing the Mayor to execute a 1st extension of an agreement with Andrews Kurth LLP  
This must match rolling agenda entry

**Department of Origin\*** FINANCE

**Submitted By\*** Joe Hegwood

**Type of Meeting\***  BCD  Special  Regular

**Classification\***  Public Hearing  Consent  Statutory  Regular

**Ordinance\***  None  First Read  Second Read  First & Only Read

**Strategic Initiative\***  Public Safety  Service  
 Economic Development  Infrastructure  
 Quality of Life

**Agenda Item Description\*** Consider authorizing the Mayor to execute the first one-year extension of an agreement between the City of Bryan and Andrews Kurth, LLP. to continue to serve as Bond Counsel for bonds and other debt obligations that the City of Bryan intends to issue. The first extension will become effective June 10, 2016, upon the Mayor executing the agreement. This is the first of possible four (4) annual extensions under the agreement.

**Summary Statement\*** On June 10, 2015, the City of Bryan signed an agreement for Bond Council services with Andrews Kurth, LLP. The agreement has a maximum five (5) year term and must be renewed annually. That is, an initial one (1) year agreement with four (4) possible one (1) year extensions.

This agenda item is for the first one-year extension and if approved results in a second year of possible five years total. Approving this Council Action Form and extension authorizes the Mayor to execute the first extension of the agreement.

**Staff Analysis & Recommendation\*** Andrews Kurth LLP has been the City of Bryan's Bond Counsel since 2010. The firm was determined to be the most qualified firm and a contract was signed that will expire June 9, 2016, unless renewed. The City of Bryan would like to exercise the option to extend the contract one (1) year.

Fees paid under this agreement are based on the size of the bond issuance and are approximately 1/10th of 1 percent of the issuance. Fees are generally paid for out of the proceeds of any debt issued. Annual payments under the prior contract were:

FY10-\$131,670  
FY11- \$38,250  
FY12- \$74,500  
FY13- \$74,055  
FY14- \$97,994  
FY15- \$33,925

Staff recommends approving the 1st extension of the agreement for one (1) year with Andrews Kurth LLP and authorizing the Mayor to execute the agreement for Bond Counsel services. Jerry Kyle will represent Andrews Kurth LLP as the primary Bond Counsel contact for the City of Bryan.

- Options\*** (In Suggested Order of Staff Preference)
1. Approve the extension of the agreement between Andrews Kurth LLP. and the City of Bryan, providing Bond Counsel services.
  2. Do not approve the extension and direct staff to issue a Request for Proposal (RFP) for Bond Counsel services.
  3. Do not approve the extension and provide additional direction to staff.

**Funding Source \***

Bond Funds (on an as needed basis and when bond issuances are considered)

**Attachments**

Andrews Kurth Extension.pdf

329.6KB

Please detail attachments and note attachments available for viewing in City Secretary's Office:

1. Extension letter signed by Andrews Kurth, LLP. (pdf attachment)
2. The original contract is available for viewing in the City Secretary's office.

**Dept. Head Signature**



*JOE HEGWOOD*

**Deputy City Manager  
Signature**



*Hugh R. Walker*

**City Manager Signature**



*[Handwritten Signature]*

**City Attorney Signature**



*Janis K. Hampton*