



**CITY OF HOUSTON - CITY COUNCIL**

Meeting Date: 4/20/2021

ALL

Item Creation Date: 3/11/2021

LGL-Beck Redden LLP

Agenda Item#: 29.

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**Summary:**

ORDINANCE approving and authorizing Professional Services Agreement between **BECK REDDEN LLP** and City of Houston ("City") relating to a consolidated lawsuit filed against the City and against Art Acevedo, in his official capacity of Houston Police Chief; establishing a maximum contract amount - \$1,250,637.50 - Property & Casualty Fund

**Background:**

The City Attorney recommends City Council approve an Ordinance authorizing an agreement between the City of Houston and Beck Redden LLP for professional legal services with a maximum contract amount of \$1,250,637.50 for Phase 1 of the litigation.

The City of Houston has been sued in the consolidated lawsuit styled: cause number 4:21-CV-00270; *Clifford Tuttle, Jr. as Representative of the Estate of Dennis W. Tuttle, Deceased, Robert Tuttle and Ryan Tuttle and John Nicholas, as Temporary Administrator of the Estate of Rhogena Nicholas and Jo Ann Nicholas, individually and as an heir of the Estate of Rhogena Nicholas*; in the United States District Court for the Southern District of Texas, Houston Division.

The City Attorney recommends dividing the Litigation into two phases. Phase 1 includes the legal services up to and including filing a Motion for Summary Judgment to dismiss the City and Acevedo from the consolidated lawsuit. Phase 2 will include subsequent services leading up to and including trial preparation and trial. If Phase 2 is required and the expenses are expected to exceed the above-stated maximum contract amount, the City Attorney will return to City Council for additional funding.

The City Attorney recommends engaging the Firm to represent the City's interests because the firm and its attorneys are pre-eminent in their representation of governmental entities in complex litigation, having successfully handled other high stakes Section 1983 litigation like the consolidated lawsuit.

**Hire Houston First:** This procurement is exempt from the City's Hire Houston First Ordinance. The Legal Department is utilizing a professional services procurement approved by the Chief Procurement Officer.

**Pay or Play:** The Agreement requires compliance with the City's Pay or Play ordinance regarding health benefits for employees of City contractors. The Firm provides health benefits to eligible employees in compliance with City policy.

**MWBE Information:** This professional services contract is being issued with a 24% MWBE goal. The Firm has designated the below named firm as its certified MWBE subcontractor.:

Name of MWBE	Type of Work	Percent of total Contract
The Odom Law Firm	Legal Services	24%

**Fiscal Note:** Funding for this item is included in the FY21 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

Estimated Spending Authority			
DEPARTMENT	FY2021	OUT YEARS	TOTAL
Legal Department	\$385,000.00	\$865,637.50	\$1,250,637.50

DocuSigned by:  
*Arturo Michel*  
074157848964440...  
Arturo G. Michel, City Attorney

**Amount of Funding:**

\$1,250,637.50

Property & Casualty Fund

Fund 1004

**Contact Information:**

Kelly Dempsey.....832-393-6450

**ATTACHMENTS:**

**Description**

Signed Coversheet

Ordinance

Contract

Funding Information

COH Fair Campaign Ordinance

Professional Services Justification

Affidavit of Ownership

Delinquent Tax Report

Funding Verification

**Type**

Signed Cover sheet

Ordinance/Resolution/Motion

Contract/Exhibit

Financial Information

Backup Material

Backup Material

Backup Material

Backup Material

Financial Information