



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 1/25/2022

Item Creation Date: 1/10/2022

LGL-Bracewell LLP Legal Services Agreement

Agenda Item#: 21.

Summary:

AN ORDINANCE APPROVING AND AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN BRACEWELL LLP AND THE CITY OF HOUSTON ("CITY") RELATING TO CONTAMINATION OF PROPERTY AND GROUNDWATER IN THE VICINITY OF KASHMERE GARDENS, THE FIFTH WARD, DENVER HARBOR AND TRINITY GARDENS; ESTABLISHING A MAXIMUM CONTRACT AMOUNT; CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

Background:

The City Attorney recommends City Council approve an Ordinance authorizing an agreement between the City of Houston ("City") and Bracewell LLP ("Firm") for professional legal services with a maximum contract amount of \$900,000.00.

This request relates to the contamination of property and groundwater in the vicinity of Kashmere Gardens, the Fifth Ward, Denver Harbor and Trinity Gardens, arising from a former creosote operation located on property owned by Union Pacific Railroad ("UPRR"). The site is in a Voluntary Cleanup Program administered by the Texas Commission on Environmental Quality ("TCEQ"), who issued a Hazardous Waste Permit to UPRR. The City of Houston anticipates that it will seek a Contested Case Hearing before the TCEQ regarding the current draft permit in order to effectively protect the health, safety, and environment of Houston residents. The City believes that TCEQ should require UPRR to more fully address the soil and groundwater for the benefit and well-being of Houston residents in the vicinity and for the protection of the City's property and infrastructure, including underground storm sewer pipes. The Texas Department of State Health Services has also identified elevated cancer rates in the vicinity of the UPRR property.

The City is concerned for the health, safety, environmental protection, and well-being of Houston residents and is committed to advancing environmental justice for the community.

The City would benefit from the expertise of lawyers who routinely handle matters before the TCEQ and have experience in federal environmental laws, including the Resource Conservation and Recovery Act ("RCRA") and the Comprehensive Environmental Response Compensation, and Liability Act ("CERCLA").

The Firm's attorneys include environmental law and litigation specialists who provide comprehensive environmental regulatory and litigation support. The lead attorneys bring their combined experience representing municipal government entities and private corporations in environmental enforcement and litigation, including RCRA and CERCLA actions.

The City Attorney recommends engaging the Firm to represent the City because the Firm and its attorneys are pre-eminent in their representation of governmental and corporate entities in environmental law and litigation matters.

Hire Houston First: This procurement is exempt from the City's Hire Houston First Ordinance based on the department's determination that compliance with the ordinance would unduly interfere with contract needs.

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 law firm of Rodney & Etter, LLC, as its certified MWBE subcontractor.

Fiscal Note: Funding for this item is included in the FY22 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

Arturo G Michel

074157848964440...

Arturo G. Michel, City Attorney

Jerry Adams, Chief Procurement Officer

Amount and Source of Funding:

FY22: \$350,000.00
Out Years: ~~\$550,000.00~~
Total: \$900,000.00

Property & Casualty Fund No. 1004

Contact Information:

Suzanne Chauvin - 832-393-6219

ATTACHMENTS:

Description	Type
Confirmation of Insurance	Signed Cover sheet
Affidavit of Ownership	Signed Cover sheet
Pay or Play	Signed Cover sheet
Certificate of Compliance for Pay or Play	Signed Cover sheet
Non Construction MWBE Participation	Signed Cover sheet