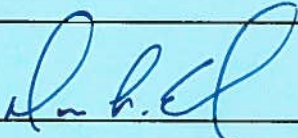


TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance approving an agreement for professional services between the City of Houston and Herrera & Boyle PLCC for legal services in connection with Extenet Network Systems, Inc.'s Complaint Against the City of Houston for Imposition of Fees for Use of Public Right-of-Way (Public Utility Commission Docket No. 45280); Providing a Maximum Contract Amount; Containing Provisions Relating to the Subject		Page 1 of 1	Agenda Item #
FROM (Department or other point of origin): Legal Department	Origination Date 3/1/16	Agenda Date	
DIRECTOR'S SIGNATURE: Donna Edmundson, City Attorney 	Council District affected: All		
For additional information contact: Mary McKerral, 832-393-6491 YuShan Chang, 832-393-6442	Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Adopt an ordinance approving an agreement for professional services between the City of Houston and Herrera & Boyle PLCC for legal services in connection with Extenet Network Systems, Inc.'s Complaint Against the City of Houston for Imposition of Fees for Use of Public Right-of-Way (Public Utility Commission Docket No. 45280);			
Amount and Source of Funding: \$75,000 current allocation and \$250,000 maximum contract amount Fund 1004			
BACKGROUND: Extenet Systems, Inc. ("Extenet") filed a complaint with the Texas Public Utility Commission ("PUC") against the City challenging the City's authority to grant permission for wireless network infrastructure providers to use the right-of-way and the fees associated with that use. The matter is pending before the State Office of Administrative Hearings ("SOAH"). In its complaint, Extenet claims Chapter 283 of the Local Government Code allows it to use the municipal rights-of-way without obtaining the City's permission and paying any associated fees. The City vigorously disputes this contention and is seeking to: <ul style="list-style-type: none">• Defend the City from Extenet's claims;• Protect the City's authority over its right-of-way; and• Preserve the City's authority to collect fees for wireless networks companies' use of the right-of-way, which is estimated to be as high as \$1 million annually. The City Attorney recommends that Herrera & Boyle PLCC law firm represent the City in this matter. Herrera & Boyle PLCC has represented cities before the PUC and SOAH in similar subject matters. The Legal Department recommends adoption of the Ordinance and approval of the Agreement. Due to the unique nature of this representation, the Office of Business Opportunity approved an MWBE zero-percentage goal document.			
Other Authorization			



Display Contract : Header Data



Agreement	4600013760	Company Code	COH1	Purcha
		Agreement Type	PSA	Purch.
Vendor	129056	HERRERA & BOYLE PLLC		

Administrative Fields				
Agreement Date	03/03/2016	Item Number Interval	10	Su
Validity Start	03/03/2016	Validity End	07/30/2021	La
<input type="checkbox"/> GR Message				

Terms of Delivery and Payment				
Payt Terms	Z010	Targ. Val.	250,000.00	
Payment in	30 Days	0.000 %	Exch. Rate	1.00000
Payment in	0 Days	0.000 %	Incoterms	FOB DESTINAT
Payment in	0 Days Net			

Reference Data				
Quotation Date		Quotation		
Your Reference		Salesperson	LESLIE LIND	
Our Reference		Telephone	512 474 1492	
Suppl. Vendor		Invoicing Party	129056	