

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance amending Ordinance No. 2016-179 to increase the Maximum Contract Amount by \$130,000 For a Contract between the City and Herrera & Boyle, LLC, for representation of the City in pending complaint and litigation and amending Contract No. 4600013760 to authorize the Firm to incur and pay expert witness fees with approval of the City Attorney		Page 1 of 1	Agenda Item #
FROM (Department or other point of origin): Legal Department	Origination Date 3/1/16	Agenda Date 7/13/16	
DIRECTOR'S SIGNATURE: Ronald C. Lewis, City Attorney	Council District affected: All		
For additional information contact: YuShan Chang, 832-393-6442	Date and identification of prior authorizing Council action: Ordinance No. 2016-179 (3/9/16)		
RECOMMENDATION: (Summary) Adopt an ordinance amending Ordinance No. 2016-179 to increase the Maximum Contract Amount by \$130,000 for Contract No. 4600013760 between the City of Houston and Herrera & Boyle LLC., for representation of the City in pending complaint and litigation and approving an amendment of Contract No. 4600013760 to authorize the Firm to incur and pay expert witness fees with approval of the City Attorney.			
Amount and Source of Funding: \$130,000 From Fund 1004			
BACKGROUND: The proposed ordinance amends Ordinance No. 2016-179 to increase the maximum contract amount allocated for the City's reimbursement of litigation expenses advanced by Herrera & Boyle LLC ("Firm") under a contract between the City and Firm for legal services and amends Contract No. 4600013760 to authorize Firm to incur and pay expert witness fees if approved by the City Attorney. On March 9, 2016, City Council adopted Ordinance No. 2016-179 approving a contract for legal services between the City and the Firm. Since that time, Firm has represented the City in a complaint before the Texas Public Utilities Commission ("PUC") in PUC Docket No. 45280, <i>Complaint of Extenet Network Systems, Inc. Against the City of Houston for Imposition of Fees for Use of Public Right-of-Way</i> . The complaint concerns a highly technical area that has implications for the City's authority over its right-of-way and its ability to charge fees for use thereof. The highly technical nature of this matter requires the expenditure of funds for an expert to testify on behalf of the City. The proposed amendment relates to the City's litigation expenses incurred by the Firm. The proposed amendment does not alter the fee to be paid for the Firm's legal services. Under the proposed amendment, the Firm will be given the necessary flexibility to advance, with the City Attorney's prior approval, up to an additional \$130,000 in litigation expenses related to services of expert witnesses. To the extent Firm advances expenses related to the retention and services of expert witnesses, Firm will be reimbursed for same in accordance with the City Attorney's policy on reimbursement of expenses and City policy and the additional amount of \$130,000 is allocated for that purpose. No experts will be retained or expert fees paid without the prior consent of either the City Attorney or First Assistant City Attorney. The City Attorney recommends the adoption of the proposed ordinance amending Ordinance No. 2016-179 and amending Contract No. 4600013760.			
Finance Director:	Other Authorization:		Other Authorization:

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