

**CITY OF HOUSTON - CITY COUNCIL**

Meeting Date:

ALL

Item Creation Date: 12/13/2016

20DAR08 Ordinance/Baker Wotring LLP.

Agenda Item#:

**Summary:**

AN ORDINANCE AMENDING ORDINANCE NO. 2013-1013, AS AMENDED, TO INCREASE THE MAXIMUM CONTRACT AMOUNT FOR A CONTRACT BETWEEN THE CITY OF HOUSTON AND BAKER WOTRING LLP FOR LEGAL SERVICES FOR REPRESENTATION OF THE CITY IN NEGOTIATIONS WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

**Background:**


**SUBJECT:** An ordinance amending Ordinance No. 2013-1013, as amended, to increase the maximum amount of the contract with Connelly Baker Wotring LLP.

**RECOMMENDATION:** (Summary) Adopt an ordinance amending Ordinance No. 2013-1013, as amended, to increase the maximum contract amount of the agreement between the City and Connelly Baker Wotring LLP, for representation of the City in negotiations with U. S. Environmental Protection Agency to \$8,026,000 for legal and consulting engineering services.

**SPECIFIC EXPLANATION:**The City and the U.S. Environmental Protection Agency ("EPA") are currently in negotiations regarding the status of the City's wastewater treatment program. Previously, the Department of Public Works & Engineering ("PWE") requested the expertise of outside counsel and a consulting engineering firm to supplement City staff. To this end, the City retained the law firm of Baker Wotring, LLP ("Firm") to assist the City Attorney in managing the negotiations and to represent the City's legal interests. Since the Firm's initial authorization, it has effectively assisted the City in its negotiations with EPA.

Pursuant to the request from PWE, the Firm retained several environmental engineering firms as consulting engineers to assist the City in the negotiations, predict capital and operational costs, and provide advice on systemic improvements that may be needed.

Negotiations continue with the Plaintiffs (EPA and the State of Texas) toward the finalization of the scope of the Consent Decree, with some issues yet to be resolved between the parties. The upcoming change in EPA administration will impact the negotiations as both sides evaluate these issues and work toward resolution. Once a final agreement is reached, the City will then begin the process of participating in the statutory public comment process, which could be lengthy based on whether third parties seek to intervene in the process and participate in the court proceeding regarding the finalization of the Consent Decree. Following the finalization of the agreement, the City will also need to participate in the public comment process, including responding to any questions or challenges to the Consent Decree. To accommodate these final tasks, we are requesting that the maximum contract amount be increased from the previously-authorized \$6,126,000 to \$8,026,000, which includes legal fees of \$1,300,000 and consulting engineering fees of \$600,000. This allocation is anticipated to fund the completion of the negotiation of this matter. If negotiations do not continue on the current schedule, we may come back to Council with a revised budget and timetable.



Dale A. Rudick, P.E., Director  
Department of Public Works and Engineering

**Prior Council Action:**

Ordinance No. 2013-1013, dated 11/13/2013  
Ordinance No. 2014-0238, dated 03/26/2014  
Ordinance No. 2014-0784, dated 08/13/2014  
Ordinance No. 2015-0039, dated 01/21/2015  
Ordinance No. 2015-0632, dated 06/22/2015

**Amount of Funding:**

Additional Funding: \$1,900,000 (FY 2017)  
Water and Sewer System Operating Fund 8300

Previous Contract Amount \$6,126,000.00

**Contact Information:**

Phillip Goodwin 832-393-6285

**ATTACHMENTS:**

**Description**

PCA Ordinance 2013-1013

PCA Ordinance 2014-0238

PCA Ordinance 2014-0784

PCA Ordinance 2015-0039

PCA Ordinance 2015-0632

**Type**

Backup Material

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