

A U S T I N C I T Y C O U N C I L

AGENDA



Thursday, November 16, 2006

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Law

ITEM No 16

RECOMMENDATION FOR COUNCIL ACTION

Subject Authorize negotiation and execution of an amendment to the legal services agreement with Brown McCarroll, L L P , Austin, TX, for legal representation, advice, and counsel concerning securing Austin's long-term water supply, including regulatory matters involving the Colorado River and the Lower Colorado River Authority (primarily permit applications before the Texas Commission on Environmental Quality), and contractual matters relating to raw water supply, in an amount not to exceed \$265,000, for a total contract amount not to exceed \$1,575,000

Amount and Source of Funding Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility

Additional Backup Material

(click to open)

No Attachments Available

For More Information Sharon J Smith, Assistant City Attorney, 974-7773

Prior Council Action Council approved \$60,000 on July 19, 2001, \$100,000 on May 9, 2002, \$250,000 on January 30, 2003, \$223,000 on August 26, 2004, \$295,000 on June 23, 2005, and \$225,000 on May 19, 2006

This amendment is the next annual continuance of the legal services contract with Brown McCarroll, L L P for legal representation, advice, and counsel concerning securing Austin's long-term water supply, including regulatory matters involving the Colorado River and the Lower Colorado River Authority (primarily permit applications before the Texas Commission on Environmental Quality), and contractual matters relating to raw water supply, for an increase of \$265,000, with a total contract amount not to exceed \$1,575,000

The Law Department contracted with Bracewell & Patterson ("Bracewell") on June 30, 2000, for an original contract amount of \$40,000. Subsequent increases were authorized by the City Council in successive years, funded by the Austin Water Utility or jointly by the Austin Water Utility and Austin Energy totaling \$1,223,000. In addition the contract was extended by administrative approval on two separate occasions: November 16, 2001, in the amount of \$43,000, and on January 15, 2003, in the amount of \$44,000.

This year the City has continued and renewed negotiations with LCRA in an attempt to reach a creative resolution of all outstanding water rights permitting matters, and Brown McCarroll has represented the City in those intensive negotiations. Brown McCarroll has this year, as in previous years, represented the City in Texas Commission on Environmental Quality water rights permits matters affecting the City, and assisted the City with pursuing the additional permits necessary to place the City in a strong position with respect to its future water needs. The firm has also participated in statutorily mandated regional water planning processes on behalf of the City.

The Council is now being requested to authorize the expenditure of an additional \$265,000 funded by the Austin Water Utility. The additional amount will be used to pay the fees and expenses of Brown McCarroll, L L P , anticipated through the end of the 2007 fiscal year. This will bring the total contract amount to \$1,575,000.