

City of Fort Worth, Texas

# Mayor and Council Communication

**DATE:** 06/27/23

**M&C FILE NUMBER:** M&C 23-0549

**LOG NAME:** 6012WINSTEAD

**SUBJECT**

(ALL) Adopt a Resolution Authorizing the City Attorney to Retain the Law Firm of WINSTEAD, P.C. as Outside Legal Counsel to Provide Legal Representation Related to the Mary's Creek Wastewater Treatment Facility

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**RECOMMENDATION:**

It is recommended that the City Council adopt the attached resolution approving the retention of WINSTEAD, P.C. as outside legal counsel to provide legal representation related to the Mary's Creek Wastewater Treatment Facility.

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**DISCUSSION:**

The City Attorney's Office, in conjunction with the Water Department, retained the law firm of Lloyd Gosselink Rochelle & Townsend, PC "Lloyd Gosselink" as outside legal counsel to assist with obtaining the wastewater discharge permit for the future Mary's Creek Wastewater Treatment Facility "MCWWTF" (Resolution 5491-10-2021). The Tarrant Regional Water District "TRWD" and Martha Leonard, individually, intervened in the case which could have led to protracted hearings and/or litigation. Through negotiations and State Office of Administrative Hearings-directed mediation, the parties reached a settlement (City Secretary No. 57611; M&C 22-0401). On August 12, 2022, the discharge permit was issued by the TCEQ. Thereafter, the TRWD commenced efforts on pursuing its obligations pursuant to the settlement agreement.

Recently, the lawyer, James Aldredge, who had been the primary counsel on the matter left his employment at Lloyd Gosselink and has taken a similar position at Winstead, P.C. Ongoing representation by Mr. Aldredge is desired for continuity and to ensure compliance with the settlement agreement or other matters which may arise during the implementation phase of the MCWWTF. The nature of this engagement would be "as needed" and for so long as necessary.

Sufficient funding in the Water & Sewer Operating Fund remains from the original authorization (Resolution 5491-10-2021), which authorized up to \$600,000.00. To date, \$178,835.90 has been invoiced which includes pass through expert and engineering charges.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that this action will have no material effect on City funds.

**Submitted for City Manager's Office by:** Dana Burghdoff 8018

**Originating Business Unit Head:** Chris Harder 5020

**Additional Information Contact:**

Expedited