

Legislation Text

File #: 18-342, Version: 1

Presenter/Contact
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SUBJECT:

Discuss and consider approval of a contract with the law firm of Terrill & Waldrop for legal services in Stop the Ordinances Please, et al. v. City of New Braunfels, Texas.

BACKGROUND / RATIONALE:

This lawsuit was filed against the City in 2011, as a challenge to the City's disposable container ordinance which was approved by election. The case also includes a challenge to the City's cooler restriction ordinance. In 2014, the plaintiffs, known as STOP, prevailed at the trial court level. In 2017, the city prevailed on appeal to the Third Court of Appeals in Austin. STOP appealed that decision to the Texas Supreme Court. The Court is still considering whether to accept the appeal. On June 8th issued an order for the parties to submit full briefing on the merits within the next two months. At this time the City seeks to engage appellate counsel to assist the City in this appeal. The law firm of Terrill & Waldrop currently represents the City in the 2015 Carowest appeal.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

N/A

FISCAL IMPACT:

The cost of these services will likely span over this year and next fiscal year. There is currently funding allocated for outside legal services in the City Attorney's Office General Fund budget. If these legal costs exceed the funding currently available, a budget amendment will be brought forward for City Council consideration. However, funding is currently available to award this contract.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the contract.