

City of Sacramento

Legislation Text

File #: 2021-00325, **Version:** 2

Title:

Amendment to Contract No. 2019-1763 for Legal Services Re: City of Sacramento v. Federal Aviation Administration

File ID: 2021-00325

Location: District 1

Recommendation:

Pass a Motion amending contract #2019-1763 by \$185,000, and authorizing the City Attorney to execute a supplemental contract with Leech Tishman Fuscaldo & Lampl, Inc. in an amount not to exceed \$236,000 for litigation assistance in the lawsuit City of Sacramento v. Federal Aviation Administration.

Contact: Leslie Walker, Senior Deputy City Attorney, (916) 808-5346; Susana Alcala Wood, City Attorney, (916) 808-5346; Office of the City Attorney

Presenter: None

Attachments:

1-Description/Analysis

2-Natomas Quiet Skies Supplemental Agreement No. 2

Description/Analysis

Issue Detail: Staff is seeking Council approval to supplement the current legal services agreement with Leech Tishman Fuscaldo & Lampl, Inc. for expenses associated with the litigation entitled City of Sacramento v. Federal Aviation Administration. The current legal services agreement is for an amount not to exceed \$51,000. This supplement increases the contract amount not to exceed \$236,000. This amendment is necessary to cover the expenses related to drafting the briefs and appearing before the Ninth Circuit to argue the case.

Policy Considerations: This funding is required to continue representation of the City in this litigation.

Economic Impacts: Not applicable.

Environmental Considerations: Contracting for outside legal services is an administrative activity that will not result in direct or indirect physical changes in the environment and is not a project subject to CEQA review. CEQA Guidelines section 15378 (b) (5).

Sustainability: Not applicable.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: Since the implementation of NexGen technology at the Sacramento Airport, District 1 residents have experienced a significant increase in airplane noise. The FAA has been unwilling to engage with the City to address these concerns. The City therefore filed suit against the FAA. This contract amendment will pay for the City's costs for representation by outside counsel with experience in litigation against the FAA.

Financial Considerations: There is sufficient funding in the Curtis Park Village Litigation (I21005400) project for the supplemental contract.

Local Business Enterprise (LBE): Not applicable.