

June 28, 2023

WHEREAS, the City of Dallas has engaged Fanning Harper Martinson Brandt & Kutchin, P.C. to provide legal services for the Dallas Building Official, in connection with Board of Adjustment litigation; and

WHEREAS, on June 28, 2022, Administrative Action No. 22-5926, authorized a professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C. to provide legal counsel, advice and representation for former Dallas Building Official David Session, in connection with David Session v. Board of Adjustment for the City of Dallas, et al., now styled as Andres "Andrew" Espinoza, in his Official Capacity as the Building Official of the City of Dallas, Texas v. Board of Adjustment for the City of Dallas and TCHDallas2, LLC, Cause No. DC-22-03741, and for Andres "Andrew" Espinoza, in connection with Andres "Andrew" Espinoza, in his Official Capacity as Director and Chief Building Official of the City of Dallas, Texas v. Board of Adjustment for the City of Dallas and Shuffle 214, LLC, a Texas Limited Liability Company, Cause No. DC-22-05679, in an amount not to exceed \$50,000.00; and

WHEREAS, on August 19, 2022, Administrative Action No. 22-6084, authorized Supplemental Agreement No. 1 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C. for additional legal services for former Dallas Building Official David Session, in connection with David Session v. Board of Adjustment for the City of Dallas, et al., now styled as Andres "Andrew" Espinoza, in his Official Capacity as the Building Official of the City of Dallas, Texas v. Board of Adjustment for the City of Dallas and TCHDallas2, LLC, Cause No. DC-22-03741, and for Andres "Andrew" Espinoza, in connection with Andres "Andrew" Espinoza, in his Official Capacity as Director and Chief Building Official of the City of Dallas, Texas v. Board of Adjustment for the City of Dallas and Shuffle 214, LLC, a Texas Limited Liability Company, Cause No. DC-22-05679, in an amount not to exceed \$50,000.00, increasing the authorized amount from \$50,000.00 to \$100,000.00; and

WHEREAS, on January 25, 2023, the City Council authorized Supplemental Agreement No. 2 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C. for additional legal services for former Dallas Building Official David Session, in connection with David Session v. Board of Adjustment for the City of Dallas, et al., now styled as Andres "Andrew" Espinoza, in his Official Capacity as the Building Official of the City of Dallas, Texas v. Board of Adjustment for the City of Dallas and TCHDallas2, LLC, Cause No. DC-22-03741, and for Andres "Andrew" Espinoza, in connection with Andres "Andrew" Espinoza, in his Official Capacity as Director and Chief Building Official of the City of Dallas, Texas v. Board of Adjustment for the City of Dallas and Shuffle 214, LLC, a Texas Limited Liability Company, Cause No. DC-22-05679, in an amount not to exceed \$200,000.00, increasing the authorized amount from \$100,000.00 to \$300,000.00, by Resolution No. 23-0196; and

WHEREAS, the professional legal services of Fanning Harper Martinson Brandt & Kutchin, P.C. continue to be necessary.

June 28, 2023

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 3 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C., approved as to form by the City Attorney, to provide additional legal counsel, advice and representation for former Dallas Building Official David Session, in connection with David Session v. Board of Adjustment for the City of Dallas, et al., now styled as Andres "Andrew" Espinoza, in his Official Capacity as the Building Official of the City of Dallas, Texas v. Board of Adjustment for the City of Dallas and TCHDallas2, LLC, Cause No. DC-22-03741, and for Andres "Andrew" Espinoza, in connection with Andres "Andrew" Espinoza, in his Official Capacity as Director and Chief Building Official of the City of Dallas, Texas v. Board of Adjustment for the City of Dallas and Shuffle 214, LLC, a Texas Limited Liability Company, Cause No. DC-22-05679, in an amount not to exceed \$70,000.00, increasing the authorized amount from \$300,000.00 to \$370,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$70,000.00, in periodic payments to Fanning Harper Martinson Brandt & Kutchin, P.C. from Liability Reserve Fund, Fund 0192, Department ORM, Unit 3888, Object 3033, Encumbrance/Contract No. ATT-2022-00019292, Vendor 399210.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.