



Legislation Details (With Text)

File #: 22-2692 **Version:** 1 **Name:**

Type: CONSENT AGENDA **Status:** Corrected; Deferred

File created: 11/8/2022 **In control:** City Attorney's Office

On agenda: 12/14/2022 **Final action:**

Title: Authorize Supplemental Agreement No. 2 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C. 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 - Not to exceed \$200,000.00, from \$73,120.69 \$100,000.00 to \$273,120.69 \$300,000.00 - Financing: Liability Reserve Fund

Sponsors:

Indexes: 300

Code sections:

Attachments: 1. Resolution

| Date | Ver. | Action By | Action | Result |
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STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: December 14, 2022

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C. 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 - Not to exceed \$200,000.00, from ~~\$73,120.69~~ \$100,000.00 to ~~\$273,120.69~~ \$300,000.00 - Financing: Liability Reserve Fund

BACKGROUND

Supplemental Agreement No. 2 will authorize Fanning Harper Martinson Brandt & Kutchin, P.C. to provide additional legal counsel, advice and representation for Dallas Building Official Andres "Andrew" Espinoza, in connection with 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.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

A confidential memorandum regarding this matter will be provided to the City Council on December 9, 2022.

FISCAL INFORMATION

| Fund | FY 2023 | FY 2024 | Future Years |
|------------------------|--------------|---------|--------------|
| Liability Reserve Fund | \$200,000.00 | \$0.00 | \$0.00 |

| | |
|--|---------------------|
| Original Contract | \$ 23,120.69 |
| Payment for Services Rendered | \$ 26,897.31 |
| Supplemental Agreement No. 1 | \$ 50,000.00 |
| Supplemental Agreement No. 2 (this action) | <u>\$200,000.00</u> |
| Total Funding | \$300,000.00* |

*Includes payment of Invoice Nos. 143162 and 143163 for services rendered

OWNER

Fanning Harper Martinson Brandt & Kutchin, P.C.

Thomas P. Brandt, Director