



Legislation Details (With Text)

**File #:** 23-86      **Version:** 1      **Name:**

**Type:** ITEMS FOR FURTHER CONSIDERATION      **Status:** Corrected; Approved as Amended

**File created:** 12/15/2022      **In control:** City Attorney's Office

**On agenda:** 1/25/2023      **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 (This item was deferred on December 14, 2022)

**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:** January 25, 2023

**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 (This item was deferred on December 14, 2022)

**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.

On December 14, 2022, this item was deferred by Councilmember Chad West.

**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