



## Legislation Details (With Text)

|                       |  |                      |   |                        |  |
|-----------------------|--|----------------------|---|------------------------|--|
| <b>File #:</b>        | 22-2657  | <b>Version:</b>      | 1 | <b>Name:</b>           |  |
| <b>Type:</b>          | CONSENT AGENDA   | <b>Status:</b>       |   | Deferred               |  |
| <b>File created:</b>  | 11/3/2022  | <b>In control:</b>   |   | City Attorney's Office |  |
| <b>On agenda:</b>     | 12/14/2022   | <b>Final action:</b> |   |                        |  |
| <b>Title:</b>         | Authorize Supplemental Agreement No. 2 to the professional services contract with Messer, Fort & McDonald, PLLC to provide additional legal services related to appeals and defense of the Board of Adjustment in connection with Cause No. DC-22-03741; 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, and Cause No. DC-22-05679; 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 - Not to exceed \$200,000.00, from \$100,000.00 to \$300,000.00 - Financing: Liability Reserve Fund |                      |   |                        |  |
| <b>Sponsors:</b>      |  |                      |   |                        |  |
| <b>Indexes:</b>       | 300  |                      |   |                        |  |
| <b>Code sections:</b> |  |                      |   |                        |  |
| <b>Attachments:</b>   | 1. Resolution  |                      |   |                        |  |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

**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 Messer, Fort & McDonald, PLLC to provide additional legal services related to appeals and defense of the Board of Adjustment in connection with Cause No. DC-22-03741; 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, and Cause No. DC-22-05679; 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 - Not to exceed \$200,000.00, from \$100,000.00 to \$300,000.00 - Financing: Liability Reserve Fund

### BACKGROUND

Supplemental Agreement No. 2 will authorize Messer, Fort & McDonald, PLLC to provide additional legal services related to appeals and defense of the Board of Adjustment in connection with Cause No. DC-22-03741; 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, and Cause No. DC-22-05679; 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.

### **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                          | \$ 50,000.00        |
| Supplemental Agreement No. 1               | \$ 50,000.00        |
| Supplemental Agreement No. 2 (this action) | <u>\$200,000.00</u> |
| Total                                      | \$300,000.00        |

### **OWNER**

#### **Messer, Fort & McDonald, PLLC**

Andy Messer, Partner  
Julie Fort, Partner  
Brenda McDonald, Partner