

## Legislation Details (With Text)

|                      |            |                      |              |
|----------------------|------------|----------------------|--------------|
| <b>File #:</b>       | 21-1249    | <b>Name:</b>         |              |
| <b>Type:</b>         | Report     | <b>Status:</b>       | Filed        |
| <b>File created:</b> | 11/10/2021 | <b>In control:</b>   | City Council |
| <b>On agenda:</b>    | 11/22/2021 | <b>Final action:</b> | 11/22/2021   |

**Title:** Approval of a contract and authorizing the City Manager to execute a professional services agreement with the law firm of Resnick & Louis, P.C., to represent the City in litigation involving the North Tributary Project, and authorizing the retention of outside experts as needed.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2021.11.09 Engagement Ltr - RL FinalA, 2. 2021.11.09 Engagement Ltr - RL - EX A

| Date       | Ver. | Action By    | Action    | Result |
|------------|------|--------------|-----------|--------|
| 11/22/2021 | 1    | City Council | presented | Pass   |

**PRESENTER:**

Valeria Acevedo, City Attorney

**SUBJECT:**

Approval of a contract and authorizing the City Manager to execute a professional services agreement with the law firm of Resnick & Louis, P.C., to represent the City in litigation involving the North Tributary Project, and authorizing the retention of outside experts as needed.

**DEPARTMENT:** City Attorney's Office

**COUNCIL DISTRICTS IMPACTED:** Citywide

**BACKGROUND INFORMATION:**

This litigation began in 2014 when the contractor, YC Partners, Ltd d/b/a Yantis Company, sued the City and the City countersued Yantis and the City also brought in the engineering firm of Half Associates, Inc. and C3 Environmental Specialties, L.P.. In May, 2014, the City hired law firm of Coats Rose Yale Ryman Lee, P.C. to represent the City due to Mr. Brad Sklencar's expertise in construction law litigation; however, that office in San Antonio is in the process of downsizing. Brad Sklencar, who has handled the New Braunfels representation since 2014, is now a partner of Resnick & Louis, P.C., San Antonio. It is in the best interests of the City that he continue to handle this representation, including any expert he has retained on the City's behalf to assist with damage assessment and assertion of claims.

**ISSUE:**

This complex construction case needs continuity of representation by the attorney and expert that are most familiar with this litigation as they have handled it since 2014. The litigation should remain with Mr. Sklencar

and previously the previously retained expert, as he is a partner in a different law firm of Resnick & Louis, P.C., of San Antonio.

**FISCAL IMPACT:**

Unchanged from budget approvals previously approved for Coats Rose. Funding for outside legal fees is included in the FY 2022 City Attorney's Office Adopted Budget. Therefore, sufficient funds are available.

**RECOMMENDATION:**

Staff recommends continuation of the representation with the same legal counsel and experts.