

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE PAYMENT OF ATTORNEYS' FEES TO GRAYROBINSON, P.A. FOR LEGAL SERVICES IN THE ICON OFFICE BUILDING PROPERTY LITIGATION AND THE BRANDT LITIGATION IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$75,000.00, BRINGING THE TOTAL AMOUNT AUTHORIZED FOR FY2018 TO \$175,000.00.

WHEREAS, GrayRobinson, P.A. ("Law Firm") is defending the City against claims of environmental contamination on the proposed ICON Office Building property, which was conveyed by the City to a developer; and

WHEREAS, these claims are now the subject of litigation known as Berman Development Group, LLC, et al. v. City of Hollywood, et al.; and

WHEREAS, although the parties are close to an agreement that would settle this litigation, they have not yet finalized that agreement; and

WHEREAS, the Law Firm is also defending the City in litigation in federal court known as Brandt v. City of Hollywood, regarding allegations that the City provides inadequate disabled parking spaces in violation of federal and state law; and

WHEREAS, Section 38.40(C)(2) of the Code of Ordinances exempts from the competitive bid and competitive proposal requirements of the Purchasing Ordinance contracts for professional services; and

WHEREAS, in December 2017, the City Commission adopted Resolution No. R-2017-355, which authorized the payment of attorneys' fees to the Law Firm in the ICON litigation in an amount not to exceed \$100,000.00; and

WHEREAS, in view of the considerable amount of legal services being rendered by the Law Firm in both the ICON litigation and the Brandt litigation, the City Attorney recommends that the City Commission approve attorneys' fees in an additional amount not to exceed \$75,000.00, bringing the total amount authorized for FY2018 to \$175,000.00; and

WHEREAS, the CRA is named as a co-defendant in the ICON litigation and has agreed to share equally in the attorneys' fees paid to the Law Firm for that case, but the CRA is not involved in the Brandt litigation; and

WHEREAS, it is expected that on the same day on which the City Commission is adopting this Resolution, the CRA Board is adopting a similar resolution approving attorneys' fees for FY 2018 for legal services in the ICON litigation, in an additional amount not to exceed \$50,000.00; and

WHEREAS, funding is available in the FY 2018 budget in 01.0104.00000.514.003122.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the forgoing WHEREAS clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it approves and authorizes the payment, by the appropriate City officials, of fees, pursuant to the agreement with GrayRobinson, P.A. for legal services in the ICON Office Building property litigation and Brandt litigation, in an additional amount not to exceed \$75,000.00, bringing the total amount authorized for FY 2018 to \$175,000.00.

Section 3: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES, CITY ATTORNEY