

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE PAYMENT OF FEES TO GRAYROBINSON, P.A., FOR LEGAL SERVICES IN THE ICON OFFICE BUILDING PROPERTY MATTER, IN ADDITIONAL AMOUNTS NOT TO EXCEED \$60,000.00 FOR FY 2016 AND \$100,000.00 FOR FY 2017; AMENDING THE FISCAL YEAR 2017 ADOPTED OPERATING BUDGET (R-2016-284), AS DETAILED IN THE ATTACHED EXHIBIT 1.

WHEREAS, GrayRobinson, P.A. ("the Law Firm") is defending the City of Hollywood against the claims arising out of environmental contamination that allegedly exists on the proposed ICON Office Building property; 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, 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, the City Commission previously approved the payment of fees to the Law Firm for FY 2016 and for FY 2017 for legal services in the ICON matter; and

WHEREAS, the amount of fees previously authorized for FY 2016 is \$300,000.00, but the amount of fees actually incurred for FY 2016 is approximately \$360,000.00; and

WHEREAS, in view of the above, the City Attorney recommends that the City Commission authorize additional fees in an amount not to exceed \$60,000.00 for FY 2016, which would bring the total authorized amount to \$360,000.00 for FY 2016; and

WHEREAS, the amount of fees previously authorized for FY 2017 is \$150,000.00, the amount of fees incurred to date for FY 2017 is approximately \$175,000.00, and the amount estimated to be incurred for all of FY 2017 is \$250,000.00; and

WHEREAS, in view of the above, the City Attorney recommends that the City Commission authorize additional fees in an amount not to exceed \$100,000.00 for FY 2017, which would bring the total authorized amount for FY 2017 to \$250,000.00; and

WHEREAS, the CRA is named as a co-defendant in the ICON matter and shares equally in the fees and costs paid to the Law Firm; and

WHEREAS, it is expected that the CRA Board will adopt a similar resolution authorizing the same amounts of additional fees for FY 2016 and FY 2017; and

WHEREAS, a portion of the funding is available in account number 01.0104.00000.514.003122; and

WHEREAS, certain routine and periodic budgetary adjustments and transfers are appropriate and necessary; and

WHEREAS, the Fiscal Year 2017 Operating Budget was adopted and approved by the City Commission pursuant to Resolution R-2016-284 and subsequently amended; and

WHEREAS, the transferring of funding between line item accounts is needed to provide funding support for necessary legal services as detailed in the attached Exhibit 1;

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

Section 1: That it hereby approves and authorizes the payment, by the appropriate City officials, of fees and costs, pursuant to the agreement between the City of Hollywood and GrayRobinson, P.A. for legal services in the ICON Office Building property lawsuit, in an additional amount not to exceed \$60,000.00 for FY 2016, bringing the total authorized amount for FY 2016 to \$360,000.00.

Section 2: That it hereby approves and authorizes the payment, by the appropriate City officials, of fees, pursuant to the agreement between the City of Hollywood and GrayRobinson, P.A. for legal services in the ICON Office Building property lawsuit, in an additional amount not to exceed \$100,000.00 for FY 2017, bringing the total authorized amount for FY 2017 to \$250,000.00.

Section 3: That the Amendments to the Operating Budget of the City of Hollywood for the Fiscal Year beginning October 1, 2016, as set forth in detail in Exhibit 1, attached hereto, and by this reference made a part hereof, are hereby approved, adopted and accepted as Amendments to the Operating Budget of the City of Hollywood Florida, for the Fiscal Year 2017.

Section 4: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGALITY  
For the use and reliance of the  
City of Hollywood, Florida, only.

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ALAN FALLIK, INTERIM CITY ATTORNEY