

COMMISSION AGENDA REPORT

COMMISSION MEETING DATE: 11-17-2009 AGENDA ITEM: CR-06

COMMISSION REPORT NO: 09-1644

PREPARED BY: Harry Stewart 11-06-2009 11:29:09

DEPT: City Attorney Office

DEPARTMENT DIRECTOR'S SIGNATURE

Harry A. Stewart, City Attorney 828-5037

AUTHOR'S NAME, TITLE, AND TELEPHONE NUMBER

CITY MANAGER'S SIGNATURE

TITLE 1: SPECIAL COUNSEL - BAHIA MAR PROPERTY

TITLE 2: BRINKLEY, MORGAN, SOLOMON, TATUM, STANLEY & LUNNY, LLP

SUBJECT:

A resolution appointing Brinkley, Morgan, Solomon, Tatum, Stanley & Lunny, LLP, as special counsel to assist City Attorney's Office in legal matters relating to Bahia Mar property.

REQUESTED ACTION (STAFF RECOMMENDATION - CONTENT OF MOTION):

Adopt resolution.

REGULAR AGENDA

CONFERENCE

- Motion
- Motion for Discussion
- Old/New Business
- City Commission Reports
- Public Hearing
- Ordinance
- Exec Closed Door
- City Manager Reports
- Resolution
- Presentation
- Conference Reports
- Purchase
- Citizen Presentation
- Advisory Boards
- Consent Resolution

Public Notice Advertised:

FUNDS APPROPRIATION/TRANSFER (provide index code, subobject, and title of subobject):

\$50,000 is available in ATT010101-3119, Fund 001, Subfund 01.

FOR PROCUREMENT ITEMS ONLY

PROCUREMENT REFERENCE NO: TRANSACTION TYPE:

BIDS SOLICITED/RECEIVED: WBE: LATE BID:

Vendor: MBE: NO BID:

Amount: Details:

Procurement Recommendation:

Description of Exhibits:

1. Resolution	2.	3.
4.	5.	6.
7.	8.	9.

EXHIBITS: AVAILABLE VIA HARDCOPY: Exhibit #s: 1

PRIOR COMMISSION/BOARD ACTION: (attach additional file if necessary)

None.

BACKGROUND/DETAIL:

Due to the complexity of the issues related to negotiating and preparing a new lease for the City-owned property commonly known as Bahia Mar, the City Attorney's Office is requesting the approval of hiring outside counsel for assistance in reviewing and finalizing four leases, which will divide the Bahia Mar property into four separate developments, i.e. two hotels on two separate parcels, two condominium towers on one parcel, and a marina on the last parcel.

Attorney's Initials: HAS

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING THE LAW FIRM OF BRINKLEY, MORGAN, SOLOMON, TATUM, STANLEY & LUNNY, LLP, AS SPECIAL COUNSEL TO THE CITY OF FORT LAUDERDALE, FLORIDA IN CONNECTION WITH AMENDMENTS TO THE LEASE OF CITY-OWNED PROPERTY COMMONLY REFERRED TO AS BAHIA MAR.

WHEREAS, the City Commission desires to appoint Brinkley, Morgan, Solomon, Tatum, Stanley & Lunny, LLP, as special counsel in connection with amendments to the lease of City-owned property commonly referred to as Bahia Mar, subject to certain terms and conditions;

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

~~SECTION 1. That the law firm of Brinkley, Morgan, Solomon, Tatum, Stanley & Lunny, LLP,~~
is hereby appointed as special counsel for the City of Fort Lauderdale in connection with amendments to the lease of City-owned property commonly referred to as Bahia Mar.

SECTION 2. That such special counsel in the person of Daniel P.J. O'Connor, Esq., shall represent the City of Fort Lauderdale in such matters.

SECTION 3. That such special counsel shall receive an hourly rate of \$275.00 for such representation in connection with amendments to the lease of City-owned property commonly referred to as Bahia Mar.

SECTION 4. That such special counsel hereby appointed shall serve at the pleasure of the City Commission of the City of Fort Lauderdale, Florida.

SECTION 5. That the City Attorney is authorized to execute such documents as are necessary to secure the services of special counsel.

ADOPTED this the _____ day of _____, 2009.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

L:\COMM2009\Resolutions\nov17\brinkleymorgan.doc