

RESOLUTION NO. 2023-115

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A RETAINER AGREEMENT WITH THE LAW FIRM OF TRIPP SCOTT, P.A. TO ASSIST THE CITY WITH THE OPPOSITION TO FLORIDA'S TURNPIKE EXPANSION FROM ATLANTIC BOULEVARD TO WILES ROAD ADJACENT TO THE CITY OF COCONUT CREEK, INCLUDING BUT NOT LIMITED TO THE PREPARATION FOR AND ATTENDANCE AT THE PUBLIC HEARINGS AND MEETINGS SCHEDULED BY FLORIDA'S TURNPIKE ENTERPRISE (FTE) AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND PREPARATION OF A COMPLAINT TO BE FILED ON BEHALF OF THE CITY IN COURT RELATED TO FLORIDA'S TURNPIKE EXPANSION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Coconut Creek is opposed to the Florida's Turnpike Enterprise (FTE) and Florida Department of Transportation's (FDOT) proposed Florida's Turnpike Expansion from Atlantic Boulevard to Wiles Road adjacent to the City of Coconut Creek (entire project I-595 to Wiles Road); and

WHEREAS, the City of Coconut Creek is opposed to Florida's Turnpike Expansion from Atlantic Boulevard to Wiles Road adjacent to the City of Coconut Creek (entire project I-595 to Wiles Road) due to the proposed addition of lanes to the west side of the centerline of the Turnpike adjacent to the eastern border of the City between Atlantic Boulevard and Wiles Road. The City has been opposed to this westward shift since the City learned about it in 2017 and successfully got the project postponed at that time. FTE is again proposing to expand the Turnpike from six (6) lanes to ten (10) lanes with all four (4) additional lanes to be constructed to the west side of the centerline of the road. Therefore, based on the direction given at the May 11, 2023, City Commission Meeting, this item approves a team of attorneys from the Law Firm of Tripp Scott, P.A. ("the Firm") to assist the City with its opposition to Florida's Turnpike Expansion, including but not limited to: preparation for and attendance at upcoming public hearings and meetings, and preparation of a Complaint to be filed on behalf of the City in Court regarding the Turnpike

Expansion. The Firm's primary attorneys that will assist in this matter include, but are not limited to: Daniel E. Taylor, Esq., Wilson C. Atkinson, III, Esq., Paul O. Lopez, Esq. and Ed J. Pozzuoli, Esq.; and

WHEREAS, the Law Firm of Tripp Scott, P.A. has agreed to the terms and conditions of the retainer agreement with the City to deliver the professional legal services detailed therein, attached as Exhibit "A," for a rate of Five Hundred Twenty-Five and 00/100 Dollars (\$525.00) per hour estimated at Fifty to Sixty (50-60) hours. Litigation time and costs may result in additional time and amounts beyond the above estimates, but the agreement can be terminated at any time; and

WHEREAS, the City Commission finds and determines that retaining the above-referenced law firm to provide legal services on behalf of the City in opposition to Florida's Turnpike Expansion in the City is in the best interest of the residents of the City.

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

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution. Exhibit "A," attached hereto, is incorporated herein and made a specific part of this resolution.

Section 2: That the City Commission has retained the services of the Law Firm of Tripp Scott, P.A. to provide legal services related to the City's opposition to Florida's Turnpike Expansion, including but not limited to the preparation for and attendance at the public hearings and meetings scheduled by the FTE and FDOT related to the Turnpike Expansion.

Section 3: That the City Manager, or designee, is authorized to execute the retainer agreement with the Law Firm of Tripp Scott, P.A., attached hereto as Exhibit "A."

Section 4: That if any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this resolution.

Section 5: That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 8th day of June, 2023.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

Rydell Aye

Welch Aye

Railey Aye

Brodie Aye

Wasserman Aye

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6/5/2023
kah