



CITY OF RIVIERA BEACH – MEMORANDUM

TO: HON. MAYOR, CHAIRPERSON AND CITY COUNCIL

THROUGH: JONATHAN EVANS, CITY MANAGER, MPA, MBA, ICMA-CM

FROM: DAWN S. WYNN, CITY ATTORNEY

SUBJECT: RESOLUTION TO SETTLE SARA GOODMAN V. CITY OF RIVIERA BEACH, CASE NO. 502019CA004472XXXXMBAY

DATE: JANUARY 21, 2020

CC: GENERAL PUBLIC

The purpose of this Resolution is to seek authority to settle the case of Sara Goodman v. City of Riviera Beach, Writ of Mandamus, Case No. 502019CA004472XXXXMBAY.

Background:

On or about April 8, 2019, the Office of the City Attorney received a Petition for Writ of Mandamus from Plaintiff, Sara Goodman. The issues in the case involve the City's refusal to transmit the Plaintiff's February 6, 2019 appeal to the City's Development Special Magistrate, and statements made by the City's Acting Director of Development Services at a January 10, 2019, Planning and Zoning Board meeting. The statements relate to the application of off-site parking laws to a pending application for approval to redevelop what is generally known as the "Crab Pot" site.

The City has defended the Case and filed a Motion to Dismiss and Strike Goodman's claims, to which the Plaintiff has filed a response to the City's Motion.

Following the filing of said pleadings, the parties negotiated and reached a compromise to amicably resolve the case on terms that are satisfactory to all parties. Those terms are detailed in the Settlement Agreement, attached hereto and to the Resolution.



One such term includes the City agreeing to schedule a public City Council workshop on the Crab Pot Redevelopment at a time that is mutually convenient to all parties and before any action is taken with respect to the Crab Pot. As a part of that workshop, the City will also agree to allow Ms. Goodman and two other principal presenters to make a special presentation, not to exceed one hour total. The Plaintiff will agree to file a Notice of Dismissal of her petition.

Citywide Goal:

The Citywide goal in settling this matter is to limit continued litigation and cost of litigation related to this very specific issue.

Budget/Fiscal Impact:

There is no fiscal impact of this settlement. Both parties agree to bear their own attorney's fees and costs in connection with the case.

The Office of the City Attorney has abided by all procurement and fiscal policies that would apply to this matter.

Recommendation(s):

The Office of the City Attorney recommends that settlement of this case is in the City's best interests.