



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: AUGUST 5, 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, by providing a date certain for a live, in person City Council Workshop on the Crab Pot Redevelopment Project for August 11, 2020.

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.



One such term included the City agreeing to schedule a public City Council workshop on the Crab Pot Redevelopment at a time that was mutually convenient to all parties, before February 1, 2020, and before any action was taken with respect to the Crab Pot Redevelopment Project.

Since approval of the Resolution, the parties could not mutually agree on the date and terms of the Workshop, and subsequent restrictions related to the COVID-19 local state of emergency created additional challenges.

However, after mutual negotiation on the date and the terms of the Workshop, the parties have reached a new amended settlement to resolve this matter, as outlined in the attached "Settlement Agreement", which provides a specific date of August 11, 2020, for the City Council Workshop on the Crab Pot Redevelopment Project to be held in person.

At 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. As a result of the aforementioned, 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.

Attachment(s):

1. Resolution Number 64-20
2. Amended Settlement Agreement