



City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 st Reading	2 nd Reading
8/10/2022	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Other	Ordinance Reading	N/A	N/A
		Public Hearing	<input type="checkbox"/>	<input type="checkbox"/>
		Advertising Required	<input type="checkbox"/>	<input type="checkbox"/>
		Quasi Judicial:	<input type="checkbox"/>	<input type="checkbox"/>
File No.:				
22-280				
Fiscal Impact (\$):	Account Balance (\$):	Funding Source:	Project Number :	
\$49,500.00	\$	570 1810 545030	N/A	
Contract/P.O. Required	RFP/RFQ/Bid Number:	Sponsor Name:	Department:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A	Jennifer Merino City Attorney	Office of the City Attorney	
Strategic Plan Focus Areas:				
<input checked="" type="checkbox"/> Finance & Budget		<input type="checkbox"/> Organizational Capacity	<input type="checkbox"/> Infrastructure/Projects	
Implementation Timeline:				
Estimated Start Date: 8/10/2022 Estimated End Date: 8/31/2022				

SHORT TITLE:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, APPROVING SETTLEMENT IN THE MATTER OF NANCY DEZA AND LUIS DEZA VS. CITY OF HALLANDALE BEACH, CASE NO. CACE 21-003334 IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT, BROWARD COUNTY, FLORIDA AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO ENTER INTO SETTLEMENT TO RESOLVE ALL CLAIMS, IN EXCHANGE FOR THE EXECUTION OF THE APPROPRIATE RELEASE; AND PROVIDING AN EFFECTIVE DATE.

STAFF SUMMARY:

BACKGROUND:

Mr. and Mrs. Deza are property owners at 212 SW 7th St, Hallandale Beach. They filed suit against the City as it relates to the building of a pump station on the canal property adjacent to the plaintiff's property. The Plaintiffs alleged unlawful taking and trespass and public nuisance during the construction. The Plaintiffs also previously filed suit against the construction company contracted by the City and the engineering firm that designed the project. Attached as Exhibit A are photographs of the property at issue.

The parties met at mediation and the City and Plaintiffs reached a settlement of all claims against the City for \$49,500. The City has indemnification from the construction contractor and design firms for claims resulting from their actions as part of the contracts for the project. The City has invoked that indemnification and is seeking reimbursement from the contractors at this time. If discussions do not result in an agreed upon settlement of the City's claims, the City still has the right to pursue litigation.

WHY ACTION IS NECESSARY:

Pursuant to Section 24-3 (d), of the City of Hallandale Beach, Code of Ordinances, proposed settlements in excess of \$20,000.00 shall be submitted to the city commission for its decision. This settlement exceeds the authority amount given to the City Manager, and City Attorney to settle claims, which require City Commission for approval.

FISCAL IMPACT:

\$49,500.00

Cost Benefit:

The Commission must weigh the probability of potential trial costs and Plaintiff attorney fees as compared to the proposed settlement amount.

PROPOSED ACTION:

The City Commission consider the attached Resolution

ATTACHMENT(S):

Exhibit 1 –Resolution
Exhibit A- Photographs