



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#14-1238**

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**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee Feldman, ICMA-CM, City Manager

**DATE:** October 10, 2014

**TITLE:** Settlement of fire fees / West Yard Partners, LLC, et al. v. City of Fort  
Lauderdale, et al., Case No. 14-60974-Civ-Zloch

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**Recommendation**

It is recommended that the City Commission approved the attached settlement and release regarding the litigation West Yard Partners, LLC, et al. vs. City of Fort Lauderdale, Florida, et.al.

**Background**

The nature of this litigation involves a dispute between the parties emanating from the City's enforcement of the Florida Building Code and Florida Fire Prevention Code at the Lauderdale Marine Center (LMC). LMC disputes the efficacy of the City's efforts in this effort and as a result did not compensate the City for certain costs incurred on their behalf.

During the period of November 26, 2010 through April 14, 2011 the City performed 494.25 hours of fire watch services (operations) at LMC. Additionally during this period Fire Prevention personnel performed 31 hours of service at the property relating to LMC's operations. These services were provided to LMC at \$126,247.87 in costs (labor costs - \$86,707.87; equipment costs - \$39,540). LMC had paid \$56,930.00 towards the costs, leaving a remaining balance of \$69,317.57. Under the proposed settlement agreement LMC will remit \$39,187.70 and the City will write off \$30,129.87, representing approximately 75% of the equipment costs.

The lawsuit also names former Fire Marshal David Raines. The proposed settlement agreement will also resolve all claims against him.

**Resource Impact**

There is a positive fiscal impact to the City in the amount of \$39,187.70.

**Strategic Connections:**

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Internal Support Cylinder of Excellence, specifically advancing:

- Goal 12: Be a leading government organization, managing our resources wisely and sustainably.
- Objective 1: Ensure sound fiscal management.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are United*.

Attachments: Proposed Settlement Agreement

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