



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#18-0066

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

FROM: Cynthia A. Everett, City Attorney

DATE: January 23, 2018

TITLE: Motion for Approval of Action Against The Pontes Group, LLC

Recommendation

It is recommended that the City Commission authorize the City Attorney's Office to file a lawsuit against The Pontes Group, LLC to recover damages arising from The Pontes Group, LLC's failure to reimburse the City for expenses incurred on its behalf in connection with the Fort Lauderdale Pizza Festival that took place on April 1, 2017.

Background

On February 14, 2017, The Pontes Group, LLC submitted a City of Fort Lauderdale Special Event Application seeking permission to hold the Fort Lauderdale Pizza Festival. On March 21, 2017, the City Commission of the City of Fort Lauderdale approved the event and authorized the execution of a City of Fort Lauderdale Outdoor Event Agreement.

The Pontes Group, LLC and the City entered into a City of Fort Lauderdale Outdoor Event Agreement and a separate license agreement entitled "License Agreement, War Memorial Auditorium" which agreements govern the parties' rights and obligations pertaining to the event (collectively referred to herein as the "Agreements").

Pursuant to the Agreements, The Pontes Group, LLC agreed to reimburse the City for expenses incurred by the City on its behalf, including, but not limited to, expenses for labor, event staff (police officers, fire personnel, security officers, servers, etc.), ticketing charges, marketing charges, fire inspection fees, facility fees, equipment, food, and beverages.

The Fort Lauderdale Pizza Festival was held on April 1, 2017. In connection with the event, the City incurred approximately Six Thousand Four Hundred Fifty Dollars (\$6,450.00) in expenses on The Pontes Group, LLC's behalf for beverages, ice,

equipment rental, labor charges, marketing charges, fire inspection fees, etc. in excess of the deposit it had previously collected from the company.

On April 19, 2017, the City forwarded the outstanding invoices to Ms. Lais Pontes – the principal of The Pontes Group, LLC requesting payment.

On July 19, 2017, the City sent a demand letter to The Pontes Group, LLC seeking payment of the outstanding invoices. To date, the outstanding invoices have not been paid.

Resource Impact

Funds for this suit are available in the FY 2018 Budget in the account(s) listed below. The costs associated with the action include but are not limited to the following: filing fees, service of process, deposition transcripts and court reporter fees. The precise sums cannot be determined at this time, but will likely range from \$2,500 to \$5,000.

<i>Funds available as of January 18, 2018</i>					
ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB-OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
001-PKR033601-3119	War Memorial Auditorium	Services-Materials / Legal Services	\$458,835	\$284,799	\$5,000
TOTAL AMOUNT ►					\$5,000

Attachments:

Exhibit 1 – City of Fort Lauderdale Outdoor Event Agreement
Exhibit 2 – License Agreement, War Memorial Auditorium
Exhibit 3 – Demand Letter to the Pontes Group, LLC

Prepared by: Candace Renee Duff, Assistant City Attorney

Charter Officer: Cynthia A. Everett, City Attorney