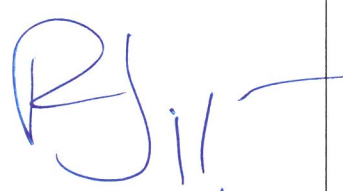



AGENDA SUMMARY

The City of Daytona Beach

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| <u>DEPARTMENT/DIVISION:</u> City Attorney <u>STAFF CONTACT:</u> Robert Jagger <u>ITEM TITLE:</u> Settlement of Lawsuit - Robert Burck v. City, Fertz Gaspard & Valerie Pittman, Case No. 6:22-cv-455-GAP-LHP | Meeting Date: 07.20.22 First Agenda Action: Second Agenda Action: | | |
| ACTION (check one): Presentation <input type="checkbox"/> Discussion <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution – PUBLIC HEARING <input type="checkbox"/> Ordinance on first reading – PUBLIC HEARING <input type="checkbox"/> | | | |
| IS ITEM BUDGETED: YES <input type="checkbox"/> NO <input type="checkbox"/> BUDGET \$ <u>90,000</u> TOTAL COST \$ <u>90,000</u> VISION PLAN/STRATEGIC PLANNING INITIATIVE: <u>N/A</u> | | | |
| BACKGROUND: <u>Resolution authorizing settlement of Burck v. City of Daytona Beach, Gaspard & Pittman, Case No. 6:22-cv-455-GAP-LHP, in the amount of \$90,000, payable to Robert Burck and his attorney, John Phillips of the firm of Phillips & Hunt, P.A., in full settlement of Plaintiff's State and Federal claims against the City and the arresting Officers for false arrest, excessive force, and property damage, and challenging the constitutionality of the City's panhandling ordinance. The Plaintiff's claims arise out of the Plaintiff's arrest on March 6, 2021, for panhandling in violation of Section 66-1, City Code, and for resisting arrest without violence on Main Street, during Bikeweek.</u> <u>Funds are available in the Consolidated Insurance Fund.</u> STAFF/BOARD RECOMMENDATION: <u>City Attorney recommends approval.</u> REVIEWED BY AS REQUIRED: | | | |
| DEPT./DIVISION HEAD DATE: _____ | PURCHASING DATE: _____ | LEGAL  DATE: <u>7/13/22</u> | CITY MANAGER  DATE: <u>7-13-22</u> |