

City of Port St. Lucie

121 SW Port St. Lucie Blvd.
Port St. Lucie, Florida 34984



Meeting Agenda

Friday, April 10, 2026

11:00 AM

Council Chambers, City Hall

Special City Council

1. Meeting Called to Order

2. Roll Call

3. Pledge of Allegiance

4. Public to be Heard

5. Resolutions

5.a Resolution 26-R31, a Resolution Approving and Authorizing the Settlement of Litigation Styled as *City of Port St. Lucie v. Waste Pro of Florida, Inc.*, Case No. 2021-CA-001628.

[2026-328](#)

6. Adjourn

Notice: No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, if a person decides to appeal any decision made by the City Council, board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

Notice: Public and Press are invited to review all the backup for Council Meetings. Copies are available in the City Clerk's Office on Wednesday, Thursday, Friday, and Monday before Council Meetings. On Meeting nights, a copy of backup material is available in the reception area of City Hall for public review. Please leave the agenda and backup material in good order for others to review.

Notice: Anyone wishing to speak during Public to be Heard and/or on any Agenda Item is asked to fill out a white Participation Card and submit it to the City Clerk. Participation Cards are available on the side table in Council Chambers, at the reception desk in City Hall lobby, and in the City Clerk's Office.

Notice: In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the City Clerk's Office at 772-871-5157.

As a courtesy to the people recording the meeting, please turn all cell phones to silent or off. Thank you.



Agenda Summary

2026-328

Agenda Date: 4/10/2026

Agenda Item No.: 5.a

Placement: Resolutions

Action Requested: Motion / Vote

Resolution 26-R31, a Resolution Approving and Authorizing the Settlement of Litigation Styled as *City of Port St. Lucie v. Waste Pro of Florida, Inc.*, Case No. 2021-CA-001628.

Submitted By: Bryan Pankhurst, Legal Operations Administrator, City Attorney's Office

Strategic Plan Link: The City's Goal of a high-performing city government organization.

Executive Summary (General Business): Approve and authorize the settlement of the above-referenced litigation by executing a Joint Stipulation and Order of Dismissal in substantially the same form as the attached Exhibit "A", which will fully and finally settle the lawsuit styled as *City of Port St. Lucie v. Waste Pro of Florida, Inc.*, Case No. 2021-CA-001628.

Presentation Information: Staff will be available for questions.

Staff Recommendation: Move that the Council approve the Resolution.

Alternate Recommendations:

1. Move that the Council amend the recommendation and approve the Resolution.
2. Move that the Council not approve the Resolution and provide staff direction.

Background: The City of Port St. Lucie ("City") filed suit against Waste Pro of Florida, Inc. ("Waste Pro"), alleging, *inter alia*, breach of contract to perform under the Franchise Agreement by failing to timely and adequately collect refuse (garbage and bulk waste) and yard waste. Waste Pro filed counterclaims against the City related to the Franchise Agreement. The parties are set for trial to begin on April 13, 2026.

Issues/Analysis: After extensive negotiation and mediation, the parties to this lawsuit have reached terms of settlement contingent on the approval and execution of a Joint Stipulation and Order of Dismissal.

Financial Information: N/A

Special Consideration: The terms of the settlement are substantially set forth in the attached Joint Stipulation and Order of Dismissal. The effectiveness of this settlement is contingent upon approval by all named parties, their execution of the Joint Stipulation and Order of Dismissal, and the Court's approval/execution of same.

Location of Project: N/A

Business Impact Statement: N/A

Attachments:

1. Resolution
2. Exhibit A - Joint Stipulation and Order of Dismissal

NOTE: All of the listed items in the "Attachment" section above are in the custody of the City Clerk. Any item(s) not provided in City Council packets are available upon request from the City Clerk.

Internal Reference Number: 7099

Legal Sufficiency Review:

Reviewed by Alyssa Lunin, Senior Deputy City Attorney. Approved as to Legal form and sufficiency by Richard Berrios, City Attorney.

RESOLUTION 26-R__

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA APPROVING AND AUTHORIZING THE SETTLEMENT OF LITIGATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 20, 2021, by filing and service of a Summons and Complaint, the City of Port St. Lucie, Florida (“the City”) commenced a lawsuit against Waste Pro of Florida, Inc. (“Waste Pro”) in the Circuit Court of the Nineteenth Judicial Circuit; and

WHEREAS, the lawsuit is styled *City of Port St. Lucie v. Waste Pro of Florida, Inc.*, Case No. 2021-CA-001628; and

WHEREAS, the City alleges, among other things, breach of contract to perform under the parties’ Franchise Agreement by failing to timely and adequately collect refuse (garbage and bulk waste) and yard waste; and

WHEREAS, Waste Pro disputes their liability under the City’s claims and filed counterclaims against the City; and

WHEREAS, the City disputes its liability under Waste Pro’s counterclaims; and

WHEREAS, after mediation and extensive negotiation, the parties have agreed to terms and conditions which will settle the dispute; and

WHEREAS, this Resolution approves and authorizes the settlement of the lawsuit, as well as the execution of a Joint Stipulation and Order of Dismissal in substantially the same form as the attached Exhibit “A”, subject to the approval of all parties; and

WHEREAS, the City Council finds that the settlement of this dispute serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PORT ST. LUCIE, FLORIDA:

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Resolution.

Section 2. Authority. The City Attorney, or his designee, is authorized to execute the Joint Stipulation and Order of Dismissal in substantially the same form as the attached Exhibit “A”. Additionally, the City Manager and City Attorney are authorized to take any necessary steps to effectuate the terms of settlement and resolution of the dispute.

Section 3. Conflict. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 4. Severability. The provisions of this Resolution are intended to be severable. If any part of this Resolution is determined to be void or is declared illegal, invalid, or

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unconstitutional by a Court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this ____ day of _____, 2026.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

Richard Berrios, City Attorney

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
IN AND FOR ST. LUCIE COUNTY, FLORIDA

CITY OF PORT ST. LUCIE, a
Florida municipal corporation,

CASE NO. 2021-CA-001628

Plaintiff/Counter-Defendant,

v.

WASTE PRO OF FLORIDA, INC.,
a Florida for-profit corporation,

Defendant/Counter-Plaintiff.

_____ /

JOINT STIPULATION AND ORDER OF DISMISSAL

The parties, CITY OF PORT ST. LUCIE (the “City”) and WASTE PRO OF FLORIDA, INC. (“Waste Pro”) (collectively, the “Parties”), by and through undersigned counsel, stipulate and agree as follows:

1. The Parties have agreed to settlement resolving all claims at issue in this action based upon the following stipulated terms:

- a. within 30 days of entry of the order of dismissal below, Waste Pro will pay to the City the amount of TWENTY-ONE MILLION DOLLARS (\$21,000,000); plus
- b. no later than January 31, 2027, Waste Pro will additionally pay to the City the amount of ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000), plus interest at the statutory rate established by Section 55.03(1), Florida Statutes (currently 8.25%), to accrue during the period between 30 days after the entry of the order of dismissal and the date of full payment of the \$1,500,000 specified in this subsection (b); plus

c. no later than January 31, 2028, Waste Pro will additionally pay to the City the amount of ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000), plus interest at the statutory rate established by Section 55.03(1), Florida Statutes (currently 8.25%), to accrue during the period between 30 days after the entry of the order of dismissal and the date of full payment of the \$1,500,000 specified in this subsection (c).

2. All claims by the Parties to this lawsuit, including those in the operative Complaint and the operative Counterclaim, will be dismissed, with prejudice.

3. This Stipulation is entered into solely for the purpose of compromising and settling disputed claims. Nothing contained in this Stipulation shall be construed as an admission by Waste Pro or the City of any liability, wrongdoing, or violation of the law.

4. The City hereby fully, finally, and forever releases and discharges Waste Pro and its past and present parent companies, subsidiaries, affiliates, officers, directors, shareholders, employees, agents, and insurers from any and all claims, demands, acts, causes of action, suits, damages, losses, liabilities, costs, expenses (including attorneys' fees and costs), obligations, and judgments of every kind and nature, whether known or unknown, arising out of or in any way relating to the Franchise Agreement between City of Port St. Lucie, Florida and Waste Pro of Florida, Inc. for the Collection of Solid Waste and Recyclable Materials dated February 13, 2019 (the "Franchise Agreement"), including any claims related to any performance bonds issued related to the Franchise Agreement, or relating to the provision of solid waste collection services by Waste Pro within the City, from the beginning of time through the date of this Stipulation.

5. Waste Pro hereby fully, finally, and forever releases and discharges the City and its past and present respective agents, employees, elected officials, attorneys, and successors and

assigns from any and all claims, demands, acts, causes of action, suits, damages, losses, liabilities, costs, expenses (including attorneys' fees and costs), obligations, and judgments of every kind and nature, whether known or unknown, arising out of or in any way relating to the Franchise Agreement or relating to the provision of solid waste collection services by Waste Pro within the City, from the beginning of time through the date of this Stipulation.

6. The Parties shall bear their own attorneys' fees and costs.

7. The Court shall reserve jurisdiction to enforce the terms of this stipulated settlement agreement.

Dated this ____ day of April, 2026.

/s/ Mitchell J. Burnstein

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Counsel for Waste Pro of Florida, Inc.

ORDER OF DISMISSAL BASED ON SETTLEMENT

The Court has been advised that the instant cause of action has been amicably resolved upon the above-stated terms. Accordingly, the undersigned enters this Order of Dismissal Based on Settlement between the Parties. This Court retains jurisdiction to enforce the terms of the above stipulated settlement agreement, which is incorporated into this Order of Dismissal Based on Settlement.

DONE AND ORDERED in St. Lucie County, Florida this _____ day of April, 2026.

MICHAEL D. PORTER
CIRCUIT COURT JUDGE

cc: All counsel and parties on attached Service List

SERVICE LIST

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