



City of Stuart

AGENDA

SPECIAL COMMISSION MEETING OF THE STUART CITY COMMISSION

MARCH 13, 2023

AT 3:30 PM

COMMISSION CHAMBERS

121 SW FLAGLER AVE.

STUART, FLORIDA 34994

CITY COMMISSION

Mayor Troy McDonald

Vice Mayor Becky Bruner

Commissioner Eula R. Clarke

Commissioner Christopher Collins

Commissioner Campbell Rich

ADMINISTRATIVE

City Manager, David Dyess

City Attorney, Michael J. Mortell

City Clerk, Mary R. Kindel

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he 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.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.

(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

WHAT IS CIVILITY? Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

PUBLIC COMMENT: If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.

CONSENT CALENDAR: Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.

QUASI-JUDICIAL HEARINGS: Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

DISCUSSION AND DELIBERATION

1. ATTORNEY CLIENT MEETING (Not Open to the Public)

ADJOURNMENT

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 3/13/2023

Prepared by: Michael Mortell

Title of Item:

ATTORNEY CLIENT MEETING (Not Open to the Public)

Summary Explanation/Background Information on Agenda Request:

At the City Commission meeting held on February 27, 2023, the City Attorney requested an Attorney Client meeting with the City Commission to discuss pending litigation pursuant to *Florida Statutes, Section 286.011(8)*. Pursuant to the Statute, the Commission shall meet with the City Attorney in private to discuss strategy or potential settlement of the following matters. The entire session shall be recorded by a certified court reporter and maintained as a public record by the City Clerk upon the conclusion of the litigation. The meeting will be called to order in the Commission Chambers. After the initial proceedings, the attorney/client matter will be announced and the Commission will move to the ante chamber for the private discussion. Following a discussion limited to the cases below, the Commission will return to the Public Commission Chambers and take any official action deemed appropriate and then conclude the meeting.

The primary purpose of the meeting is because the North Point Ventures case is scheduled for Mediation and Trial. However, the City Attorney intends to inform the Commissioners regarding the status of the two other cases as well.

Discussion of pending lawsuits against the City of Stuart:

1. **North Point Ventures LLC v. City of Stuart**: Martin County Circuit Court Case No.: 17-CA-73
2. **North Stuart Acquisitions and Development LLC v. City of Stuart**: Martin County Circuit Court Case No.: 2021-933 CA
3. **In Re: Aqueous Film-Forming Foams Product Liability Litigation**: MDL No. 2:19-mn-2873-RMG

Funding Source:

N/A

Recommended Action:

Reach consensus regarding the cases specifically listed above.

ATTACHMENTS: