



AGENDA

SPECIAL MEETING OF THE STUART CITY COMMISSION

ATTORNEY - CLIENT

JUNE 23, 2023

AT 4:00 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

Interim City Manager, Michael J. Mortell

Interim City Attorney, Paul J. Nicoletti

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.

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

1. REQUEST FOR ATTORNEY-CLIENT MEETING PURSUANT TO SEC. 286.011, FLORIDA STATUTES

APPROVAL OF AGENDA

COMMISSION ACTION

2. RESOLUTION No. 53-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING A SETTLEMENT AGREEMENT WITH THE 3M COMPANY IN CITY OF STUART, FL v. 3M COMPANY ET AL, No. 2:18-cv-03487 (D.S.C) AS PART OF CASE No. 2:18-MM-2873-rmg, IN RE: AQUEOUS FILM-FORMING FOAMING FOAMS PRODUCTS LIABILITY LITIGATION; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

ADJOURNMENT

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.

INVOCATION: Any invocation that may be offered at the opening of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.

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

Meeting Date: 6/23/2023

Prepared by: Paul Nicoletti

Title of Item:

REQUEST FOR ATTORNEY-CLIENT MEETING PURSUANT TO SEC. 286.011, FLORIDA STATUTES

Summary Explanation/Background Information on Agenda Request:

The City Attorney is advising the City Commission that he is seeking an Attorney-Client Meeting to be held during a recess of this public meeting to obtain advice concerning a possible settlement of the 3M Company litigation.

Those attending the Attorney-Client Meeting shall be Mayor Troy McDonald, Vice Mayor Becky Bruner, Commissioner Eula Clarke, Commissioner Christopher Collins, Commissioner Campbell Rich, and Michael Mortell, City Manager. Attending by Zoom will be the City's outside counsel Frank Petosa, Esq. of Morgan & Morgan, and the Interim City Attorney, Paul Nicoletti.

The Attorney-Client Meeting should last about 30 minutes.

The entire Attorney-Client meeting will be recorded by a certified court reporter, who will fully transcribe the meeting and file the transcript with the City Clerk, which shall be made public at the conclusion of the litigation.

At the conclusion of the Attorney-Client Meeting, the Special Meeting of the City Commission will be re-opened and the Mayor will Request Approval of Resolution 53-2023; following the recording of a roll call vote, the Mayor announce the termination of the session.

Funding Source:

Not Applicable

Recommended Action:

Motion to Hold the Atotnrey-Client Meeting during a brief recess of the Special City Commission Meeting.

ATTACHMENTS:

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

Meeting Date: 6/23/2023

Prepared by: Paul Nicoletti

Title of Item:

RESOLUTION No. 53-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING A SETTLEMENT AGREEMENT WITH THE 3M COMPANY IN CITY OF STUART, FL v. 3M COMPANY ET AL, No. 2:18-cv-03487 (D.S.C) AS PART OF CASE No. 2:18-MM-2873-rmg, IN RE: AQUEOUS FILM-FORMING FOAMING FOAMS PRODUCTS LIABILITY LITIGATION; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

A copy of the Resolution will be presented at the Attorney-Client Meeting and discussed prior to adoption.

Funding Source:

Not Applicable

Recommended Action:

Approve Resolution 53-2023

ATTACHMENTS: