

City of Coral Gables City Commission Meeting
Agenda Item I-1
September 13, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item I-1 [10:28:18 a.m.]

Litigation Report

Mayor Cason: Let's do I-1, I-2, and I-3, because we have a "Time Certain" at 11 (a.m.) when we get to the City Attorney items we'll be able to stay on track.

City Attorney Leen: Thank you Mr. Mayor. So Item I-1 is the Litigation Report. I'll ask the Deputy City Attorney if you can get her, but I can start. The main cases I just want to reference you; we gave you, as we do from time to time, we gave you a list of the pending cases that we have. We do our best to make this as a complete a list as possible, sometimes new cases are filed, some are dismissed, so sometimes there are adjustments that need to be made, but this gives you a very good idea of all the different types of cases that we have in the City, but I would – the cases I want to indicate to you are, the first case Cascar v. the City of Coral Gables. That was the case about the Alfred Browning Parker house, that's a case where we are preparing for summary judgement. As you can imagine, that Alfred Browning Parker house the City saved and ultimately it was sold, so in my view...

Mayor Cason: So, they sold it?

City Attorney Leen: Yes – and I believe for a fair price, so I think, notwithstanding all our strong legal arguments, I also think we have a very strong factual argument there as well. In addition, the other case – we are preparing for – we’ll be filing summary judgement in that soon once discovery is complete. We also have the two cases relating to the Paseo matter. I see that we have Tucker Gibbs in the audience who is the counsel for the residents that are suing. The two points I wanted to make known to you is that, that first case, this is on page 3 at the bottom, *Friguls v. City of Coral Gables et al.* The two things to know is that we did have a hearing in front of the Judge on the lawsuit that was filed and we are awaiting an order from the Judge, so we believe we presented a very strong case, and we are looking forward to seeing that order. It will be provided to each of you, and at that point we can decide, we can have an Executive Session and we can talk about the matter. The second case, I just wanted you to know is there was an oral argument on the petition, *Certiorari* that was set for November, so I will be attending that, along with our Special Counsel. I’m sure Mr. Gibbs will be there as well, so those cases are proceeding. In addition, we have *Murhee v. City of Coral Gables*, which is on the next page, that’s the case involving the cost of living adjustment related to the pension. That case we will be moving for summary judgement once discovery is complete. We have prepared a draft motion, which I believe is very strong. We will at that point once we file the motion, so that the plaintiff can see it and they can see our legal arguments, and what I believe is the strength of our legal arguments. We will make one final attempt at mediation at that time. George Knox who is the former City Attorney of Miami and a Professor at FIU, and a very well respected individual in the community is the mediator in the case. The last case I wanted to just identify for you is *Bahamian Village v. Miami-Dade County*. That case, the City intervened, sought to intervene, we have a pending motion to intervene in that case. We also went before the County Commission and also met with the Mayor. I was accompanied by Commissioner Lago and Commissioner Keon, and we set a Sunshine Meeting, and met with the Mayor and the Mayor was very receptive to the City’s position in the case. For those of you who don’t know, there is a property that’s at the corner of U.S.-1 and Grand, it’s an empty lot, it’s not empty anymore though, because the residents in the MacFarlane Homestead neighborhood and Golden Gate neighborhood, which is also known as the Lola B. Walker Homeowners Association, they have been, that has been a focus of that community to develop a community center and a commercial retail establishment there, and they are moving forward with that. They are building the community center now. They are coming to the City with their proposals and ideas for the commercial component and the City by order of the City Commission is expediting that. I’m working with Peter Iglesias on that. You essentially delegated to the City Manager’s office and the City Attorney’s office authority, because of the nature of the case that it involved a settlement and it involved the County, you have delegated authority there. We are working with

all deliberate speed, and I just wanted to update you that we are making progress. So those are the cases I wanted to identify. I'm not sure if the Deputy City Attorney wanted to identify any specific ones. If you have any question, you can ask now or we can talk about it individually, or I can ask for an Executive Session as to any of these if there are more you would like to know about them.

Mayor Cason: OK.

[End: 10:33:28 a.m.]