

C7 AM A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR TO PARTICIPATE IN NON-BINDING SETTLEMENT DISCUSSIONS IN CLEVELANDER OCEAN, LP V. CITY OF MIAMI BEACH, CASE NO. 2021-011642-CA-01.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: February 26, 2025

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR TO PARTICIPATE IN NON-BINDING SETTLEMENT DISCUSSIONS IN CLEVELANDER OCEAN, LP V. CITY OF MIAMI BEACH, CASE NO. 2021-011642-CA-01.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The attached resolution was prepared at the request of the sponsor, Mayor Steven Meiner, with consultation and advice from the City Attorney's Office.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Is this item related to a G.O. Bond Project?

No

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Mayor Steven Meiner

Co-sponsor(s)

Condensed Title

Authorize Mayor to Participate in Non-Binding Negotiations with Cleveland (Meiner) CA

Previous Action (For City Clerk Use Only)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR TO PARTICIPATE IN NON-BINDING SETTLEMENT DISCUSSIONS IN CLEVELANDER OCEAN, LP V. CITY OF MIAMI BEACH, CASE NO. 2021-011642-CA-01.

WHEREAS, on May 17, 2021, Clevelander Ocean, LP filed a lawsuit in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Case No. 2021-011642-CA-01 (the "Lawsuit"); and

WHEREAS, on August 27, 2024, Clevelander Ocean, LP, together with Clevelander Holdings, LP, and Essex House Collins, LP (collectively, "Plaintiffs"), filed their now-operative Second Amended Complaint in the Lawsuit, asserting nineteen causes of action against the City; and

WHEREAS, Plaintiffs and the City of Miami Beach desire to avoid incurring further costs of litigation and seek to explore the possibility of resolving all matters in controversy, disputes, and causes of action between the parties in an amicable fashion; and

WHEREAS, Section 2-11.1(z) of the Miami-Dade County Code of Ordinances ("County Code") provides that "[n]either the Mayor, a County Commissioner nor any member of their staff shall participate in settlement negotiations of claims or lawsuits . . . without prior approval of the Board of County Commissioners"; and

WHEREAS, Section 2-11.1(a) of the County Code provides that Section 2-11.1(z), among other provisions, "shall also constitute a minimum standard of ethical conduct and behavior for all municipal officials and officers . . . insofar as their individual relationships with their own municipal governments are concerned. References in the section to County personnel shall therefor be applicable to municipal personnel who serve in comparable capacities to the County personnel referred to"; and

WHEREAS, the City of Miami Beach wishes to authorize the Mayor to participate in non-binding settlement discussions concerning the Lawsuit, in accordance with Section 2-11.1(a) and (z) of the County Code.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA: that The Mayor is authorized to participate, on behalf of the City of Miami Beach, in non-binding settlement discussions with Plaintiffs in the Lawsuit, in accordance with Section 2-11.1(a) and (z) of the County Code.

PASSED and ADOPTED this _____ day of February, 2025.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2/25/2025

Date