



To: W. Tucker Gibbs

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "CL", is written over the name "Craig E. Leen".

RE: Legal Opinion Regarding 229 Ridgewood Road Appeal of Historic Designation

Date: September 8, 2016

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As mentioned below, I am writing to provide the procedure for a motion for reconsideration. Section 2-72(e) of the City Code establishes the following: “Reconsideration of vote previously taken: A motion to reconsider can be made by any member on the prevailing side, at anytime during the commission meeting, and as late as the following commission meeting.” (underlined emphasis added).

Based on this section, it is clear that a motion for reconsideration could be made at the same meeting as the original vote or at the next meeting. The motion would need to be made by a member of the Commission on the prevailing side. If the motion is then seconded (the second does not need to be from a member on the prevailing side), there would then be discussion and a vote as to whether to reconsider. If a majority of the Commission votes to reconsider, the matter would be set for a future quasi-judicial appeal hearing, where notice would be provided as established in the Zoning Code. If the request for reconsideration is denied, the ability to seek reconsideration ends once the meeting ends.

As for the Commission meeting on Tuesday, any member of the Commission or any appointed official may place an item on the agenda under section 2-69(i) of the City Code. Here, Commissioner Lago has placed the following item on the agenda as Item F-3: “Discussion by Commissioner Lago related to notice of historic designation appeals before the City Commission, including recent appeal related to 229 Ridgewood Drive.” Commissioner Lago may permissibly raise and discuss this topic, and may request that Ms. Bouchard as a resident be recognized to speak by the Mayor, but he will be unable to make any motion to reconsider the underlying vote, as he voted on the non-prevailing side in the appeal.

It is also my understanding that Mr. Gibbs would like to speak on behalf of Ms. Bouchard. I will discuss your request with the Mayor, as the Chair of the Commission. Please note, it is my opinion that Mr. Guilford should be given equal time.

One final point, this matter involves the requested reconsideration of a Commission appeal of a quasi-judicial matter. Based on the rule in *Jennings v. Dade County*, 589 So. 2d 1337 (Fla. 3d DCA 1991), I would request that any statements to the Commissioners regarding the pending rehearing request be provided in writing (and placed in the record pursuant to the quasi-judicial submission procedures) or be made at the City Commission meeting on the record at the time Item F-3 is discussed, subject to the Mayor's discretion.

This opinion is issued on behalf of the City pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code.

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**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Subject:** FW: Request to Reconsideration -- 229 Ridgewood Road Appeal of Historic Designation  
**Date:** Thursday, September 08, 2016 11:17:58 PM  
**Attachments:** [image001.png](#)

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Please publish.

**Craig E. Leen, City Attorney**

*Board Certified by the Florida Bar in  
City, County and Local Government Law*

City of Coral Gables

405 Biltmore Way

Coral Gables, Florida 33134

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**CORAL GABLES**  
THE CITY BEAUTIFUL

*Celebrating 90 years of a dream realized.*

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**From:** Leen, Craig  
**Sent:** Thursday, September 08, 2016 11:18 PM  
**To:** 'W. Tucker Gibbs'; Cason, Jim; Quesada, Frank; Keon, Patricia; Lago, Vince; Slesnick, Jeannett  
**Cc:** Swanson-Rivenbark, Cathy; Foeman, Walter; 'Zeke Guilford'; Ramos, Miriam; Suarez, Cristina; Throckmorton, Stephanie; Spain, Dona; Wu, Charles  
**Subject:** RE: Request to Reconsideration -- 229 Ridgewood Road Appeal of Historic Designation

Good evening, Mr. Gibbs,

As mentioned below, I am writing to provide the procedure for a motion for reconsideration. Section 2-72(e) of the City Code establishes the following: *“Reconsideration of vote previously taken: A motion to reconsider can be made by any member on the prevailing side, at anytime during the commission meeting, and as late as the following commission meeting.”* (underlined emphasis added).

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This opinion is issued on behalf of the City pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code.

Please do not reply to all, and please call with any questions.

**Craig E. Leen, City Attorney**

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Coral Gables, Florida 33134

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*Celebrating 90 years of a dream realized.*

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**From:** Leen, Craig  
**Sent:** Thursday, September 08, 2016 4:50 PM  
**To:** 'W. Tucker Gibbs'; Cason, Jim; Quesada, Frank; Keon, Patricia; Lago, Vince; Slesnick, Jeannett  
**Cc:** Swanson-Rivenbark, Cathy; Foeman, Walter; Zeke Guilford; Ramos, Miriam; Suarez, Cristina; Throckmorton, Stephanie; Spain, Dona; Wu, Charles  
**Subject:** RE: Request to Reconsideration -- 229 Ridgewood Road Appeal of Historic Designation

Mr. Gibbs,

This email confirms receipt of your client's motion reconsideration. A copy of your client's motion is being placed in the record. I will email the Commission, along with you and Mr. Guilford, the applicable procedure later this evening.

**Craig E. Leen, City Attorney**

*Board Certified by the Florida Bar in  
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*Celebrating 90 years of a dream realized.*

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**From:** W. Tucker Gibbs [mailto:tucker@wtgibbs.com]  
**Sent:** Thursday, September 08, 2016 3:54 PM  
**To:** Cason, Jim; Quesada, Frank; Keon, Patricia; Lago, Vince; Slesnick, Jeannett  
**Cc:** Swanson-Rivenbark, Cathy; Leen, Craig; Foeman, Walter; Zeke Guilford  
**Subject:** Request to Reconsideration -- 229 Ridgewood Road Appeal of Historic Designation

Good Afternoon Mayor and Commissioners,

Please see attached for your review a request to reconsider at your September 13, 2016 meeting the city commission decision to grant the appeal of the historic designation of the property at 229 Ridgewood Road.

Thank you for your consideration of this request.

Sincerely,  
W. Tucker Gibbs



NOTICE: This e-mail is from the law office of W. Tucker Gibbs and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you properly received this e-mail as a client, co-counsel or retained expert of the office of W. Tucker Gibbs, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.