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**RESOLUTION NO. 2016-02**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR LEHTINEN SCHULTZ RIEDI CATALANO FUENTE, PLLC IN THE AMOUNT OF \$13,182; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council of the Village of Palmetto Bay engaged the law firm of Lehtinen Schultz Riedi Catalano Fuente, PLLC to provide Village Attorney legal services for the Village; and,

**WHEREAS**, Lehtinen Schultz Riedi Catalano Fuente, PLLC, submitted its statements to the Village for legal services rendered, and costs advanced, for the period ending November 30, 2015, in the amount of \$13,182; and,

**WHEREAS**, the amounts are reasonable and were necessarily incurred.

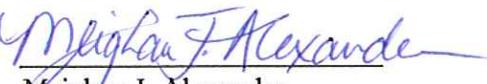
**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

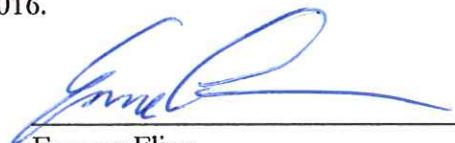
**Section 1. Recitals.** The above recitals are true and correct and incorporated herein by this reference.

**Section 2. Approval.** The statements for attorneys' fees and costs received from Lehtinen Schultz Riedi Catalano Fuente, PLLC, in the total amount of \$13,182, copies of which are attached, are approved for payment.

**Section 3. Effective Date.** This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 1<sup>st</sup> day of January, 2016.

Attest:   
Meighan J. Alexander  
Village Clerk

  
Eugene Flinn  
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

  
Dexter W. Lehtinen  
Village Attorney

1  
2 FINAL VOTE AT ADOPTION:  
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4 Council Member Karyn Cunningham YES  
5  
6 Council Member Tim Schaffer YES  
7  
8 Council Member Larissa Siegel Lara YES  
9  
10 Vice-Mayor John DuBois YES  
11  
12 Mayor Eugene Flinn YES  
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**Lehtinen Schultz Riedi Catalano Fuente**  
**1111 Brickell Avenue, Suite 2200**  
**Miami, Florida 33131**

**November 2015**  
**Village of Palmetto Bay**

Statement Period: **November 2015**                      Client: **Village of Palmetto Bay, Florida**

<u>Date</u>	<u>Individual</u>	<u>Subject</u>	<u>Time</u>
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**General Government**

11/2	DL	Conference at Village Hall regarding re-financing of debt; conference with Planning Dept regarding upcoming issues; prepare for Land Planning Agency and Council meeting; attend meeting of Land Planning Agency; attend meeting of Village Council	9.8
11/2	JC	Review correspondence from D. Chin regarding documentation pertaining to local closing and review pending matters for loan (re-financing)	0.7
11/3	JC	Telephone conference with lender's attorney regarding loan documents; finalize opinions and prepare transmittal	1.6
11/4	DL	Meeting pg Palmetto Bay Outreach Committee; brief on public meetings and public records law; prepare for meeting	1.7
11/5	DL	Conferences with staff regarding proposed ordinances, including downtown redevelopment and others	3.1
11/9	JC	Follow-up with attorney for lender regarding matters pertaining to closing and funding; follow-up with Chin regarding same; review correspondence and transcript from lender's counsel; prepare correspondence for Chin with closing binder	1.1
11/9	DL	Charter Revision Commission meeting; prepare for meeting; review list of proposed amendments from prior meetings	2.2
11/9	CR	Call from attorney Amy Boulris regarding possible sale of certain property; confer with DL regarding same	0.3

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Miami, Florida 33131**

**November 2015/Village of Palmetto Bay**

**General Government (continued)**

11/10	CR	Review art repair services agreement with artist Weiner; confer with Delsalle regarding same	2.5
11/13	DL	Meeting with Planning Dept, other staff regarding proposed ordinances and resolution issues	2.9
.11/16	DL	Conference with Manager and others regarding downtown development issues (General Obligation Bond funding, ordinance, impact fees, TDRs, etc); meeting regarding employment issues; Council zoning meeting	4.3
11/17	CR	Various e-mails to/from VPB Staff concerning various contracts and ordinances	0.4
11/16	CR	Meet with Manager, staff and DL regarding GOB inter-local agreement (General Obligation Bonds); confer with DL regarding same and related matters	1.6
11/19	CR	Review financial provisions of interlocal Gen. Obligation bond agreement; re; e-mail to VPB staff; review draft Festival agreement	1.1
11/20	DL	Meeting at Village Hall regarding ordinances, esp. downtown redevelopment; return to Village Hall for continued conferences	3.6
11/20	JC	Review correspondence from Public Works regarding demand for right of way; further review title report and issues relating to same	1.2
11/130	CR	Research Florida law on Public-Private Partnerships; e-mail to DL concerning same	

**Human Resources (Personnel)**

none

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Miami, Florida 33131**

**November 2015/Village of Palmetto Bay**

**Zoning/Land Use**

11/5	CR	Review version of ordinance allowing private development pending appeal; draft e-mail to Delsalle concerning same	0.3
11/12	JC	Attend to matters regarding South BMW Motors easement; review provisions relating to easement restrictions; prepare summary of pending issues for DL	1.3
11/13	DL	Meet with CR, Delsalle, others regarding BMW Motors issues (easement, etc); review BMW application	1.6
11/13	CR	Meet with Delsalle, DL, others to discuss BMW rezoning Issues; meet with staff and citizen to review TSR ordinance and related matters; confer with Clerk Alexander; email to JC re: BMW easement	3.2
11/13	JC	Follow-uo with CR regarding to BMW South Motors parcel and easement	0.5
11/17	JC	Attend to matters regarding Van Orsdel right of way and telephone conference with attorney to discuss same; follow-up e-mail communication; prepare draft right of way deed; review various requirements in connection with same	1.5
11/20	CR	Research Florida Bert Harris Act (statutory takings payment provisions); e-mail to DL	1.0
11/23	JC	Review issues relating to release of claim of lien on Van Orsdel property; follow-up regarding same	0.5
11/24	JC	Analyze issues relating to agreement for deed and questions relating to re-plat; e-mail correspondence to counsel for Van Orsdel regarding pending matters; telephone conference with respect to an agreement for deed	1.3

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**November 2015/Village of Palmetto Bay**

**Litigation**

11/3	CR	Research equal protection and due process in connection with signature prerequisite for rezoning of private school attendance caps (Alexander Montessori School); draft answer; review relevant VPB Code sections	3.8
11/4	DL	Review complaint and consider appropriate answer; research affirmative defenses	3.1
11/7	DL	Research Florida Attorney General Opinions regarding delegation of legislative power and quasi-judicial power, especially to citizens (either part of citizens or all of citizens); review Florida <u>Snyder</u> case establishing quasi-judicial status of land-use decisions and requirements of due process therein (Alexander School)	5.6
11/9	DL	Research Florida Constitution principles or right of access to court (Art. I, Sec. 21) as applied to access to quasi-judicial proceedings (Alexander School)	2.7
11/10	DL	Prepare revised and review answer for Alexander School litigation (answer to complaint) (requirement for signatures as prerequisite to land use quasi-judicial application)	3.4
11/10	CR	Final draft and review of answer (Alexander School) and affirmative defenses; confer with DL; file answer	0.4

(see next page for summary)

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**November 2015/Village of Palmetto Bay**

**Total Fees**

Monthly total hours..... 68.3  
Total fees due (@ \$190/hour.....\$ 12,977

**Reimbursable Expenses**

WestLaw computer research charge.....\$ 180  
FedEx transmittal of re-financing documents.....\$ 25  
Total Reimbursable Expenses.....\$ 205

**Total amount due (fees and expenses).....\$ 13,182**

DL = Dexter Lehtinen  
BF = Bob de la Fuente

CR = Claudio Riedi  
TS – Tom Schultz

JC = John Catalano