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RESOLUTION NO. 2016-39

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 \$26,316; AND PROVIDING FOR 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 April, 2016, in the amount of \$26,316; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

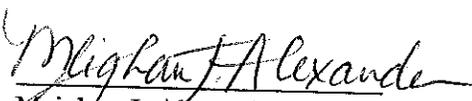
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

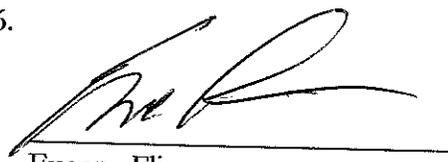
**Section 1. Recitals.** The above recitals are true and correct and incorporated herein by this reference.

**Section 2. Approval.** The statements for attorneys' fees and costs received from Lehtinen Schultz Riedi Catalano Fuente, PLLC, in the total amount of \$26,316, copies of which are attached, are approved for payment.

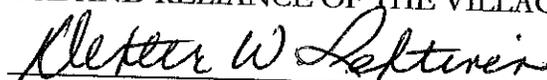
**Section 3. Effective Date.** This Resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 6<sup>th</sup> day of June, 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

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FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham	<u>YES</u>
Council Member Tim Schaffer	<u>YES</u>
Council Member Larissa Siegel Lara	<u>YES</u>
Vice-Mayor John DuBois	<u>YES</u>
Mayor Eugene Flinn	<u>YES</u>

**Lehtinen Schultz Riedi Catalano Fuente**  
**1111 Brickell Avenue, Suite 2200**  
**Miami, Florida 33131**

**April 2016**  
**Village of Palmetto Bay**

Statement Period: April 2016      Client: Village of Palmetto Bay, Florida

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

4/1	DL	Confer with VPB staff regarding issues on upcoming Council meeting agenda	1.8
4/4	DL	Meeting with Mayor, Manager, Clerk re: pending issues (incl. website); prepare for Land Planning Agency (LPA) and Council meeting; attend LPA and Council meeting	7.8
4/5	DL	Review MOU and Letter of Support re: light rail transportation; confer with staff re: post meeting issues	2.2
4/6	DL	Meet with Manager and confer with Mayor (by phone); meet w/Manager and Clerk re: pending public records issues and problems; sign official documents w/ Clerk; brief new Public Outreach Committee on Sunshine Law	4.9
4/11	DL	Confer with Manager and Council Member; prepare for and attend meeting of Charter Revision Commission	3.9
4/12	CR	Research some solicitation ordinances and statutes	1.2
4/12	DL	Research Sunshine Law (public meetings) re; locations other than government buildings, informal locations; confer with VPB staff on follow-up from previous meeting	2.8
4/13	DL	Draft proposed ordinances; meet with Clerk, staff to final draft Y-Green and Solicitation Permit Ordinance; confer with appropriate Council member	4.6
4/13	BF	Follow-up with L. Pittser re: unsolicited proposal issues; research exemptions; conference w/ L. Pittser; conference call w/ DL	1.4

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**April 2016/Village of Palmetto Bay**

**General Government (continued)**

4/14	BF	Various correspondence to/from L. Pittser; legal research re: public records in bidding; conference call w/ DL re: same; conference call w/ DL and Pittser; draft correspondence to N. Ceavers re: garage unsolicited proposal public records request; draft correspondence to B. Boiko re: public records request	2.6
4/14	CR	Research Sunshine Law Attorney General Opinions and case law concerning government meetings in informal places; email to DL; research ethics opinions, case law and statutes on council members voting conflicts; email to DL re: same	3.2
4/14	DL	Meet with Mayor and Manager re: light rail; meet with County (via Phone) and Mayor re: light rail; review unsolicited bid issues; confer with BF; confer with CR re: Sunshine Law meetings at informal (non-government) locations; review materials	5.3
4/15	DL	review solicitation issues and PASCE issues with Council member; review/revise proposals; confer with staff; confer with BF re; public records for unsolicited bids	3.3
4/15	BF	Receive and review correspondence re: public records requests; conference call with DL; further research re: unsolicited proposals and exemptions from Ch. 119; conference call w/ Pittser; research on other positions taken in similar situations	2.3
4/18	DL	Attend meeting of Village Council (zoning issues); prepare for meeting; confer with staff	4.2
4/18	BF	Research re: statutes and revisions on procurement issues; further research on public records and procurement matters	2.9
4/18	CR	Review new Sunshine exemptions for competitive bids and unsolicited bids; confer with BF concerning same	1.2
4/19	BF	Follow-up Chg. 119 issues in procurement (Jane Forman Tennis and Structure Parking Solutions)	0.8

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**April 2016/Village of Palmetto Bay**

**General Government (continued)**

4/20	DL	Review resolutions and public records requests; confer with staff and Clerk	2.0
4/20	BF	Respond to public records requests for: Pettis/Borromeo: HC Contracting; ; FOMT; Coach Joe	0.6
4/22	DL	Review in Manager's Office all proposed resolutions (incl. procurement and contracts) and ordinances for upcoming Council meeting; correct and re-write as necessary	4.6
4/24	DL	Prepare audit letter for VPB auditing firm	1.0
4/25	DL	Continue review and correction of agenda items (resolutions, incl. contracts and procurement, and ordinances); confer with staff re: upcoming issues; meet with and brief new Administration Advisory Committee on Sunshine Law	5.1

**Zoning/Land Useg**

4/13	CR	Review Brevard v. Snyder and applicable law to quasi-judicial proceedings (zoning); discuss with DL	0.8
4/14	BF	Research Village draft covenant re: Old Cutler Road	1.1
4/14	JC	Review and finalize Declarations of Restrictions and Covenants pertaining to 17777 Old Cutler Road and related development rights; mark-up draft	1.3
4/15	JC	Further review and markup to Declaration re: 17777 Old Cutler Road properties	0.7
4/19	JC	Finalize mark-up tp Declaration of Restrictions and Covenants; prepare correspondence to Planning Director and DL regarding same	0.5

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**April 2016/Village of Palmetto Bay**

**Zoning/Land Use (continued)**

4/20	CR	Review restrictive covenants for VMU/I property (old Burger King property); review Miami-Dade County Charter and Code re: park property; review Rule Against Perpetuity as applicable to restrictive covenants; review MRTA (Marketable Record Title Act); confer with DL regarding all of foregoing	2.2
4/20	DL	Confer with CR regarding restrictive covenants, expiration; case law re: duration and interpretations of duration clauses; review and confer on VMU issues	3.6
4/21	DL	Meet with Planning Director and (thereafter) with Manager on issues re: Village Mixed Use District and Transfer of Development Rights	2.9
4/22	DL	Meet with Manager, Planning Director; resident re: proposed VMU ordinances; review VMU with Planning Director	3.4
4/24	DL	Study historical documents relating to old Burger King property and VMU District (incl. Miami-Dade zoning actions, restrictive covenants; VPB zoning actions); study zoning classifications	3.9.
4/26	DL	Review all issues pertaining to VMU land use amendment ordinance, VMU comprehensive plan amendment ordinance, and TDR resolution; review land use history and restrictive covenants; meet with Planning Dept	4.5
4/27	JC	Conference (telephone) with DL and CR re: various issues pertaining to restrictive covenants, owner's requests for reversion rights, and related matters; further markup of draft	1.9
4/27	DL	Meeting with Manager, Planning Director, and traffic expert consultant re: VMU	1.0
4/28	JC	Further review and finalize mark-up to Declaration of Covenants and Restrictions; transmit to DL	1.1

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**April 2016/Village of Palmetto Bay**

**Zoning/Land Use (continued)**

4/28	CR	Attend meeting with Manager, DL, Council Member; confer w/Planning Director re: various pending items; confer w/ DL re: same; review draft covenants; review draft resolution	5.2
4/28	DL	Meet with Mayor and Council members (not recused from VMU vote) at different times; draft amendments to VMU land development amendment ordinance, for no increase in traffic; confer with Planning Dept on all matters re: VMU	7.4
4/29	CR	Research continuing validity of restrictive covenant; review new restrictive covenant; confirm validity of notice for May 2, 2016 meeting; review existing and revised resolution; confer w/ JC and DL	6.8
4/29	JC	Research further issues relating to Declaration and Amendment; analyze case law regarding enforceability of restrictive covenant; research potential applicability of MRTA (Marketable Record Title Act); analyze title and deed matters with respect to imposition of restrictive covenants on VMU and I zoning contiguous to VMU, and potential expiration of same; confer with DL re: law and issues	3.2
4/29	DL	Conference with CR and JC regarding law of duration of restrictive covenants; discuss legal cases, MRTA, Rule Against Perpetuity; discuss history of VMU property titles and title transfers as relates to covenant longevity	2.4

**Human Resources (Personnel)**

2/1-2/29      none

**Litigation**

4/4	CR	Research burden of proof in challenge to constitutionality of municipal ordinances; draft/edit supplemental responses to Motion for Summary Judgement; discussion with DL; file same with court; email DL (Alexander School)	3.1
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**April 2016/Village of Palmetto Bay**

**Litigation (continued)**

4/4	DL	Discuss supplemental filing re: burden of proof and interrogatory responses, with CR; review (Alexander School)	1.8
4/8	CR	Hearing preparation; review case law; discussion with DL (Alexander School)	1.5
4/8	DL	Review/preparation for hearing (Alexander School)	1.0
4/11	CR	Attend hearing on Motion for Summary Judgement (Judge Thomas); prior hearing preparation	1.5
4/11	DL	Attend Alexander School continuation of hearing on Summary Judgement	1.4
4/20	CR	Shilling foreclosure; review newly filed complaint; open file; review public record for liens; draft answer and affirmative defenses	1.2

**Total Fees**

Monthly total hours.....	135.1
Total fees due (@ \$190/hour.....)	\$ 25,669

**Reimbursable Expenses**

WestLaw computer research charge.....	\$ 624
Parking for Village business.....	\$ 23
Total Reimbursable Expenses.....	\$ 647

**Total amount due (fees and expenses).....\$ 26,316**

DL = Dexter Lehtinen      CR = Claudio Riedi      JC = John Catalano  
BF = Bob de la Fuente      TS = Tom Schultz