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RESOLUTION NO. 2016-52

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 \$21,352; 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 May, 2016, in the amount of \$21,352; 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:

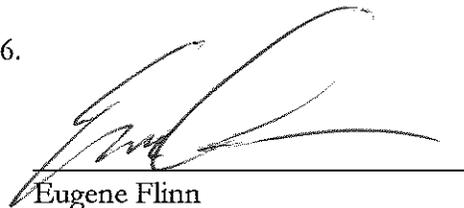
**Section 1. Recitals.** The above recitals are true and correct and incorporated herein by this reference.

**Section 2. Approval.** The statements for attorneys' fees and costs received from Lehtinen Schultz Riedi Catalano Fuente, PLLC, in the total amount of \$21,352, copies of which are attached, are approved for payment.

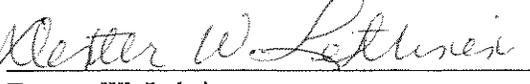
**Section 3. Effective Date.** This Resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 11<sup>th</sup> day of July, 2016.

Attest:   
Missy Arocha  
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 FINAL VOTE AT ADOPTION:  
2  
3 Council Member Karyn Cunningham YES  
4  
5 Council Member Tim Schaffer YES  
6  
7 Council Member Larissa Siegel Lara YES  
8  
9 Vice-Mayor John DuBois YES  
10  
11 Mayor Eugene Flinn YES

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

**May 2016**  
**Village of Palmetto Bay**

Statement Period: **May 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**

5/2	JC	Conference w/ Village Attorney, to discuss and review issues relating to covenants, expiration and imposition of same; further research and review of property records	1.4
5/2	cr	Research standards for Jennings, and Martin v. Town of Palm Beach; e-mail same to DL in preparation for Council meeting; attend Council meeting	7.2
5/2	DL	Meeting of Palmetto Bat Council, regular and VMU/TDR zoning issues; prepare for Council meeting; meetings with Manager, Clerk, Mayor, Planning Dept staff, Planning Director; confer with CR on outstanding issues	10.8
5/2	BF	Research re: conflicts of interest, impartiality and quasi-judicial standards; various correspondence re: same	2.2
5/3	JC	Further research matters relating to transfer of development rights	0.5
5/3	DL	Post-hearing actions; review amendments from zoning hearing; confer with Manager; confer with Mayor; confer with Clerk	2.7
5/4	BF	Conference call w/ L. Pittser; reviewed procedures re: procurement	0.8
5/5	DL	discussions with Manager, Clerk and Mayor regarding VMU and "I" zoning issues, other matters	2.3
5/6	BF	Due diligence re: municipality process for PPPs (Public Private Partnerships)	1.0

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**May 2016/Village of Palmetto Bay**

**General Government (continued)**

5/9	DL	Work on solicitation permit ordinance; issues re: Downtown Urban Village (DUV) amendments; meeting of Council on budget workshop, town hall; Special Council meeting	5.6
5/10	DL	Preparation of documents on previous Council action for official signatures; meet with Mayor and Manager; public records memorandum	4.4
5/10	BF	Follow-up re: unsolicited proposals process matters w/ L. Pittser; further reviewed process matters; conference call re: same	1.1
5/11	DL	Complete final documents from previous Council meeting for official signatures	2.4
5/11	BF	Follow-up w/ L. Pittser. Research re: Miami-Dade County conflict of interest ordinance revisions. Receipt and review of correspondence re: tennis unsolicited proposal; conference call w/ L. Pittser. Follow-up with DL	0.8
5/12	BF	Follow-up re: tennis unsolicited proposal matters	0.2
5/16	BF	Research/due diligence re: Club X/Cary Sochin tennis correspondence	0.7
5/16	DL	Review public records requests; review Palmetto Bay e-mails with staff	1.1
5/17	BF	Discussion with L. Pittser re: unsolicited proposal process matters; coordinated/drafted responses to questions/inquiries re: same	0.5
5/18	BF	Follow-up re: unsolicited proposal matters (tennis)	0.2
5/19	BF	Additional follow-up on tennis unsolicited proposal matters	0.3
5/23	DL	Meetings separately with two Council Members; Committee of the Whole meeting; meet with staff on pending issues	3.3

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**May 2016/Village of Palmetto Bay**

**General Government (continued)**

5/23	BF	Conference call w/ L. Pittser re: Ch. 119 issues Fla. (public records); review statutes re: same	0.3
5/24	BF	Review Ch. 119 issues (public records re: bids)	0.6
5/24	CR	Review recent case law re: Sunshine Law complaint based on limited comment period for items on consent agenda (Palm Beach County docket); e-mail DL re: same. Review SESAC policy for artists royalty claims; call to Ross Wright concerning payment demands; prepare e-mail to DL concerning licensing rights; through SESAC	2.0
5/25	DL	Meeting with Clerk agenda; consider pending and new issues (incl. Charter proposals, annexation) with Manager and staff	2.9
5/26	DL	Meet with Manager, staff regarding pending issues; meet with Clerk re: upcoming agenda; review all pending agenda items	3.1
5/27	BF	Follow-up on tennis matters	0.2
5/27	DL	Continue review of pending agenda items	2.6
5/27	CR	Review resolution from purchasing dept; edit resolution; e-mail to Litzy with revisions; call from DL concerning same	0.7
5/31	DL	Conference with Manager, Planning Director, other staff, and Council Member regarding all upcoming agenda items; continued revise with staff	3.0
5/31	BF	Follow-up with L. Pittser re: Ch. 119 issues (public records) re: parking garage unsolicited proposal; ; review 119 issues; conference call with L. Pittser	0.4

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**May 2016/Village of Palmetto Bay**

**Zoning/Land Useg**

5/1	DL	Study statutory and case law regarding restrictive covenants and rule against perpetuities/Marketable Record Title Act (MRTA) on issue of expiration of covenants as a matter of law; study history of "VMU" and "I" zoning ; review TDR (Transfer of Development Rights) as applicable to "I" transfers to "VMU"; prepare for zoning and TDR issues in upcoming zoning hearing; review conflict law; review quasi-judicial proceeding rules under state law, 3rd DCA decisions (esp. Jennings) and Village Code	6.9
5/13	DL	Meet and review upcoming zoning issue, Grace Church, with Planning Director and staff	2.2
5/15	DL	Research federal statutes on religious liberty, and religious land use rights for upcoming hearing	1.7
5/16	DL	Prepare for zoning meeting; meet with staff; review federal RLUIPA Act (religious liberty); discussion with BF; Council zoning meeting	3.9
5/16	BF	Research re: RLUPA (federal statute); review RLUPA issues/ matters w/ DL	1.1
5/17	DL	Review Reserve Units under Downtown Urban Village (DUV) Code (allocation, criteria, use); additional issues; confer with Planning staff)	1.8
5/18	DL	Meet with DUV site plan applicant (charter school amendment), with Manager, Planning Director, staff	2.1
5/20	DL	Meeting with DUV zoning applicant's architect, Manager, Planning staff re: DUV code requirements	1.4
5/26	DL	Draft proposed VMU ordinance to return to prior VMU code, eliminate preservation of "I" zoning, re-establish right to hotel, eliminate traffic restriction provision (at request of Council Member)	2.5

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**May 2016/Village of Palmetto Bay**

**Zoning/Land Use (continued)**

5/30	DL	Review VMU and I zoning history and consider implications of proposed ordinance to essentially repeal recent VMU action	1.7
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**Human Resources (Personnel)**

2/1-2/29	none		
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**Litigation**

5/6	CR	Review pleadings in various foreclosure cases (incl. South West et. al.)	0.3
5/11	CR	Review order granting summary judgment (Alexander School); confer with DL, Village Manager; forward order; review appeals deadlines	0.6
5/12	DL	Meeting at Village Hall regarding Alexander School v. Palmetto Bay litigation; prepare for meeting; analyze option of re-hearing	2.8
5/12	CR	Research potential grounds for appeal (Alexander School) or re-hearing; confer w/ DL re: same	2.6
5/18	CR	Review proper procedure on appeal; draft notice of appeal; review record; confer w/ DL re: same (Alexander School)	1.1
5/19	CR	Confer w/ DL and Village Manager concerning various issues on appeal (Alexander School); call to Alexander School counsel re: record on appeal	1.7
5/19	DL	Phone conference call with Alexander School attorneys re: appeal; meeting with Manager, staff re: potential VMU litigation and Alexander School litigation; meeting with Mayor; meeting with Clerk	3.1

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**May 2016/Village of Palmetto Bay**

**Litigation (continued)**

5/20	CR	Order hearing transcript; review appellate record designations; review e-mails from #rd DCA (Alexander School)	0.3
5/23	CR	Review hearing transcripts; draft notices of filing and file hearing transcripts in Circuit Court record (Alexander School)	0.6
5/25	CR	Review record on appeal; review case law concerning burden of proof and standard of review on summary judgment (Alexander School). Various telephone calls and e-mails from counsel Ellen Dorfman concerning release of lien; e-mails and calls to Desmond Chin	2.1
5/27	CR	Review request from 3rd District Court of Appeal; research appealability of summary judgment (Alexander School)	1.3

**Total Fees**

Monthly total hours.....	106.8
<b>Total fees due (@ \$190/hour.....)</b>	<b>\$ 20,292</b>

**Reimbursable Expenses**

WestLaw computer research charge.....	\$ 479
Hearing transcript fee for March 22, 2016 (Alexander School litigation).....	\$ 206
Hearing transcript fee for April 11, 2016 (Alexander School litigation).....	\$ 67
Filing Fee, Notice of Appeal, 3rd District Court of Appeal (Alexander).....	\$ 300
Parking for Village business.....	\$ 8
<b>Total Reimbursable Expenses.....</b>	<b>\$ 1,060</b>

**Total amount due (fees and expenses).....\$ 21,352**

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