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RESOLUTION NO. 2016-99

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 \$21,189.00 FOR PERIOD ENDING AUGUST 31, 2016; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Administration)

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 August 31, 2016, in the amount of \$21,189; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

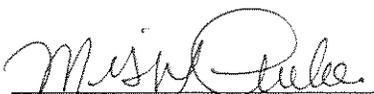
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

**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 \$21,189, copies of which are attached, are approved for payment.

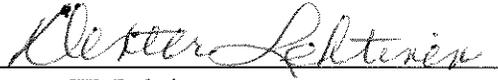
**Section 3. Effective Date.** This Resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 17<sup>th</sup> day of October, 2016.

Attest:   
Missy Arocha  
Village Clerk

  
Eugene Flinn  
Mayor

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

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8 Dexter W. Lehtinen  
9 Village Attorney

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12 FINAL VOTE AT ADOPTION:

13  
14 Council Member Karyn Cunningham YES

15  
16 Council Member Tim Schaffer YES

17  
18 Council Member Larissa Siegel Lara YES

19  
20 Vice-Mayor John DuBois YES

21  
22 Mayor Eugene Flinn YES

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

**August 2016**  
**Village of Palmetto Bay**

Statement Period: **August 2016**

Client: **Village of Palmetto Bay, Florida**

Date Individual Subject Time

**General Government**

|      |    |  |     |
|------|----|--|-----|
| 8/2  | DL | Preparation for upcoming Council meetings; meet with Manager and Clerk   | 2.1 |
| 8/3  | DL | Confer with Council Members regarding upcoming issues; meeting of Village Council Committee of the Whole (COW), Budget Workshop, and Special Council meeting | 5.8 |
| 8/5  | BF | Review lobbying expenditure report matters   | 0.7 |
| 8/5  | CR | Research public records law exemptions for email identification and for anonymous requests; email concerning same to DL                                      | 1.2 |
| 8/8  | BF | Conference with Pittser; review road RFP materials; review public meeting requirements and exemptions  | 1.1 |
| 8/9  | BF | Follow-up re: lobbying registration matters  | 0.2 |
| 8/10 | BF | Review lobbying questions; correspondence to Village Clerk re; same  | 1.3 |
| 8/11 | DL | Research and analyze Florida constitutional law on non-tax special assessments for infrastructure needs (impact fees)  | 1.9 |
| 8/11 | BF | Follow-up re: lobbyist issues; receipt and review of correspondence from MCM; follow-up re: same   | 0.8 |
| 8/12 | BF | Correspondence with Pittser  | 0.5 |

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**August 2016/Village of Palmetto Bay**

**General Government (continued)**

|      |    |  |     |
|------|----|--|-----|
| 8/15 | BF | Review process and procedures for UP (unsolicited proposals); conference call with Pittser; conference call with DL; review ability of Village to enter private property without consent or warrant in emergency         | 2.9 |
| 8/15 | DL | Meet with Manager and Clerk on various matters; prepare for Special Village Council meeting; attend meeting of Village Council.46meeting   | 4.6 |
| 8/16 | BF | Review lobby questions, correspondence re: same  | 0.9 |
| 8/17 | BF | General research regarding procurement thru requests for qualifications (RFPs)   | 1.6 |
| 8/19 | BF | Receive/review correspondence from MCM; follow-up re: bid issues   | 0.4 |
| 8/19 | DL | Analyze special assessment law; meeting with Planning Director and traffic expert (Corodino) regarding methods of funding future infrastructure needs, by special assessment based on marginal impact (impact fees), etc | 3.1 |
| 8/22 | BF | Further review MCM correspondence; follow-up re: same; conference call with Pittser  | 0.8 |
| 8/23 | DL | Meeting with School Board representatives, Manager, Planning Director re: school site criteria and prerequisites; discussion with Planning Director concerning impact fees   | 3.8 |
| 8/23 | BF | Review unsolicited bid documents; conference call with Pittser; conference call with Manager and DL  | 1.7 |
| 8/23 | DL | Discuss unsolicited bid issues with Manager; conference call with BF/Manager   |     |
| 8/24 | BF | Conference call with DL re: bid matters; review related documents  | 1.3 |

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**August 2016/Village of Palmetto Bay**

**General Government (continued)**

|      |    |   |     |
|------|----|---|-----|
| 8/24 | DL | Further review and discussion of unsolicited bid issues; call with BF; meeting with Manager; meeting with Mayor                         | 2.6 |
| 8/25 | BF | Follow-up on procurement matters; review Chapter 119 matters (sunshine) as applied to procurement (incl. recent amendments)             | 2.5 |
| 8/26 | BF | Further review documents; follow-up re: Ch. 119 (sunshine) issues; follow-up re: procurement matters                                    | 1.5 |
| 8/29 | DL | Meet with Councilmember, Manager regarding proposed resolutions and Council actions; draft proposed resolutions from meeting and others | 3.9 |
| 8/30 | DL | Continue drafting proposed resolutions from several Councilmembers; consult with Councilmembers   | 2.1 |
| 8/31 | DL | Meet with Councilmember regarding drafted proposed resolutions and others; revise and continue drafting                                 | 3.4 |

**Human Resources (Personnel)**

7/1 -- none

**Zoning and Land Use**

|     |    |  |     |
|-----|----|--|-----|
| 8/2 | JC | Review issues relating to unity of title for property known as 14850 SW 67 Avenue  | 0.9 |
| 8/3 | JC | Analyze and review issues relating to necessary modifications to existing restrictive covenants on the property relating to landscape and maintenance requirement; commence modifications to covenant to address removal of conditions relating to existing restrictive covenants and unity of title | 1.8 |

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**August 2016/Village of Palmetto Bay**

**Zoning and Land Use (continued)**

|      |    |  |     |
|------|----|--|-----|
| 8/4  | JC | Follow-up with attorney for Totalbank regarding lease and issues relation to release of ROW parcel; further mark-up covenant   | 1.2 |
| 8/8  | JC | Telephone conference with attorney for Totalbank regarding modifications to lease in connection with ROW modifications; prepare notes regarding amendments   | 0.4 |
| 8/17 | JC | Review open issues relating to Van Orsdel covenant and matters relating to proposed plat; communicate with Van Orsdel attorney regarding same; follow-up with Planning Director regarding covenant | 0.5 |
| 8/24 | JC | Review correspondence from counsel to Van Orsdel; review pending issues and follow-up with DL and Planning Director  | 0.4 |
| 8/30 | JC | Review issues related to finalizing covenant; finalize draft of right-of-way (ROW) deed; follow-up with Planning Director regarding questions relating to same                                     | 1.2 |

**Litigation**

|     |    |   |     |
|-----|----|---|-----|
| 8/3 | JC | Issues pertaining to ROW (right-of-way) conveyance; analyze updated draft of opinion of title and easements; follow-up\ communication for attorney for Van Orsdel   | 2.1 |
| 8/4 | CR | Confer with counsel for applicant (VMU and I zoning) concerning motion to dismiss (VMU declaratory action) review pleadings and record concerning administrative relief for TDR (transfer of development rights) decision | 1.7 |
| 8/5 | JC | Telephone conference for attorney with Van Orsdel regarding various open issues; plat filing and related matters; further modify draft of covenant and circulate same to Village Attorney and Planning Dept Director      | 1.5 |
| 8/8 | CR | Review motion to dismiss by applicant (VMU declaratory action); telephone call to opposing counsel re: motion; confer with DL regarding various ethics issues   | 2.3 |

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**August 2016/Village of Palmetto Bay**

**Litigation (continued)**

|      |    |  |     |
|------|----|--|-----|
| 8/8  | DL | Confer with CR re: VMU declaratory action; research ethics issues  | 1.2 |
| 8/9  | CR | Prepare amended motion to dismiss (VMU declaratory action); research Florida Community Planning Act; confer with DL; confer with opposing counsel  | 2.3 |
| 8/9  | DL | Discussion with CR re: VMU declaratory action (comprehensive plan consistency); review law   | 1.0 |
| 8/10 | CR | Continue drafting appellate brief (Alexander School); confer with DL concerning same; email draft for review by DL   | 7.2 |
| 8/10 | DL | Confer with CR regarding Alexander School brief; research issues; review and revise draft brief  | 4.3 |
| 8/16 | CR | Review records and file (seal suit); prepare draft response to request for admissions; prepare draft response to request for production; prepare draft response to interrogatories; consult with Manager | 2.7 |
| 8/17 | DL | Continue research and revisions to Alexander School appellate initial brief  | 2.6 |
| 8/18 | DL | Review issues in writ (VMU writ case), research and draft partial responses to writ; review history to correct historical inaccuracy in writ   | 5.8 |
| 8/23 | CR | Emails to opposing counsel (VMU declaratory action); confer with DL; revise amended motion to dismiss  | 1.2 |
| 8/25 | CR | Revise/edit, re-format, and re-draft appellate initial brief (Alexander School); email to DL   | 3.3 |
| 8/24 | CR | Confer with counsel; prepare/file notice of cancellation of hearing  | 0.3 |

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**Litigation (continued)**

|      |    |   |     |
|------|----|---|-----|
| 8/25 | CR | Review discovery responses (seal case); email same to DL for review   | 0.6 |
| 8/25 | CR | Acosta foreclosure: prepare answer and affirmative defenses; review liens to match as exhibits  | 2.6 |
| 8/26 | DL | Continue analysis and draft of VMU writ response; review cited cases by petitioner  | 3.3 |
| 8/29 | CR | Email to opposing counsel (seal case) concerning requests for admissions  | 1.2 |
| 8/30 | CR | Review satisfaction of judgment, 14200 Farmer Road; email same to DL for execution of same by client  | 0.4 |
| 8/31 | CR | Review Defendant's motion to dismiss (seal case); email to DL; review letter to attorney Auerbacher concerning election signs; email same to DL | 1.8 |

**Total Fees**

|   |                  |
|---|------------------|
| Monthly total hours.....                  | 108.5            |
| <b>Total fees due (@ \$190/hour.....)</b> | <b>\$ 20,615</b> |

**Reimbursable Expenses**

|   |               |
|---|---------------|
| WestLaw computer research charge.....   | \$ 574        |
| <b>Total Reimbursable Expenses.....</b> | <b>\$ 574</b> |

**Total Amount Due**

**Total amount due (fees and expenses).....\$ 21,189**

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