

**RESOLUTION NO. 2017-103**

**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 \$28,505 FOR PERIOD ENDING JUNE 30, 2017; 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 June 30, 2017, in the amount of \$28,505; 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 \$28,505, 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 2<sup>nd</sup> day of October, 2017.

Attest: DocuSigned by:  
*Missy Arocha*  
6EDC211E5E8C48C  
Missy Arocha  
Village Clerk

DocuSigned by:  
*Eugene Flinn*  
3B8854AD569F494  
Eugene Flinn  
Mayor

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

DocuSigned by:  
*Dexter W. Lehtinen*  
1B1D06E71327445...  
Dexter W. Lehtinen  
Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Karyn Cunningham YES
- Council Member David Singer YES
- Council Member Larissa Siegel Lara YES
- Vice-Mayor John DuBois YES
- Mayor Eugene Flinn YES

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

**June 2017**  
**Village of Palmetto Bay**

Statement Period: **June 2017**

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

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

6/1	BF	Due diligence re short term rental legislation	0.4
6/4	DL	Prepare for special Council meeting and regular Council meeting at Village Hall with manager, staff re: Florida Comprehensive Plan law	2.6
6/5	DL	Attend special Council meeting (moratorium on "I" property on 67 Avenue); attend regular Council meeting; prepare for meetings; meet with staff regarding upcoming issues	8.9
6/8	DL	Meet with staff, manager at Village Hall re procurement issues; analyze Village procurement law; research Florida procurement law	3.8
6/9	BF	Research re: county vacation ordinance draft; review Franjo Road question	0.9
6/9	DL	Continue analysis and review of bidding requirements (Franjo Road comprehensive improvements and applicable law); meet at Village Hall	2.4
6/9	CR	Review Sunshine Law for exemption statuses for zoning applications	0.6
6/12	BF	Questions re: procurement issues	0.3
6/13	DL	Analyze procurement issues (reservation of right to deviate from RFP; and membership of selection committee) (Franjo Road RFP)	1.8

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**June 2017/Village of Palmetto Bay**

**General Government (continued)**

6/14	CR	Review legal requirements for meeting notices (Sunshine); email to/from Clerk	0.8
6/15	BF	Further reserach/due diligence on county short term rental ordinance	0.2
6/15	DL	Begin draft of memorandum re: VPB right to deviate from RFP (reservation of right) and selection committee composition (Franjo Road request for proposals RFP)	2.9
6/15	BF	Follow-up with L. Pittser re Franjo Road; legal research re RFP (request for proposal) modifications	1.1
6/16	DL	Finalize memo ("Procurement Process/RFP, Franjo Roasd Project"); study bid process issues	3.4
6/16	BF	Review bid issues; conference call with DL re same	0.5
6/17	DL	Prepare memo ("Release of Bid Documents for Franjo Road"); review bid document issues	1.9
6/18	DL	Analysis and review for upcoming Council meeting (special and zoning)	1.1
6/19	DL	Attend special Council meeting and regular Council meeting (zoning); prepare for meeting; meet with staff, manager, clerk at Village Hall	8.3
6/20	DL	Special Council meeting at Village Hall re: Franjo Road improvements bid presentations (attend); prepare for meeting; confer with staff, manager re: Franjo procurement issues	6.6
6/21	CR	Review public notice law; call to clerk re posting of meeting notices; ; email to Missy and Olga re same	1.2
6/21	DL	Meet with Clerk; prepare various Councilmember requests; review agenda materials	2.8

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**June 2017/Village of Palmetto Bay**

**General Government (continued)**

6/22	CR	Regulatory: research medical marijuana laws for Florida; review recent amendment to medical marijuana law; email to DL concerning same	1.1
6/22	BF	Follow-up with L. Pittser re procurement matters	0.3
6/27	DL	Attend Council Budget hearing and two special Council meetings; meet with staff	5.4

**Human Resources (Personnel)**

6/1-6/30 none

**Zoning and Land Use**

6/7	JC	Review pending issues for covenant and recording; flow-up telephone conference with Village Clerk regarding same	1.0
6/12	JC	Review Total Bank issues; telephone conference with C. Fanego, counsel for Total Bank, re final certificate of occupancy in connection with Van Orsdel conveyance; finalize covenant to convey and right of way deed for recording and recorded same	1.4
6/19	JC	Review requirements pertaining to plat; prepare correspondence to counsel for Total Bank and Van Orsdel regarding inquiry pertaining to same	0.4
6/20	CR	Confer with DL re section 8 housing and "market rate" limitations; review various issues of exclusionary zoning; email to DL with summary and authority	2.8
6/20	DL	Continue research on exclusionary zoning and market rate requirements (excluding federal section 8 housing); research equal protection issues in zoning	2.6

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**Zoning and Land Use (continued)**

6/21	CR	Zoning: telephone call to/from T. Kendall concerning moratorium; review information concerning moratorium for DUV applications	0.5
6/22	AH	Review Village and other ordinances re temporary moratorium and correspondence re same	0.4
6/28	BF	Review temporary moratorium issues; follow-up with DL re: same	0.3
6/29	DL	Analyze and review legal principles applicable to rezoning "I" property on 67 Avenue (FPL site); study facts re: adjoining land uses, etc	2.0
6/30	JC	Review County Clerk's records for recordation confirmation; follow-up with C. Fanego (Total Bank) re covenant and deed; follow-up with J. Admire (Van Orsdel) re same	0.5
6/30	DL	Meet with Councilmember at member's office re: "I" rezoning issues (FPL) property, with land owner representatives; meet with additional Councilmember at Village Hall re: "I" same property rezoning issues; prepare for meetings	5.8
6/30	AH	Research re temporary moratorium; conversation with DL re pending cert. petition and special meeting	1.2

**Litigation**

6/1	CR	Draft/revise portions of response to petition for certiorari (Estate Investment); research various issues concerning standards for review, standing, etc; confer with DL; AH, Planning Director	7.2
6/1	DL	Research/review drafts re Estate Investment petition for certiorari; legal analysis and review of record; confer with CR	4.9
6/1	AH	Conference call with DL, CR, Planning Director; review code and issues (Estate Investment)	2.5

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**June 2017/Village of Palmetto Bay**

**Litigation (continued)**

6/2	CR	Liu litigation: review pleadings; review and revise affidavit of service; prepare notice of default and default	1.0
6/2	AH	Review record (Estate Investment)	0.6
6/3	CR	Liu: travel to court for default judgement; file default; draft and file non-military affidavit	1.1
6/3	AH	Draft responses to order to show cause (cert. petition, Estate Investment); continue review record	3.2
6/4	AH	Continue draft response to order to show cause (Estate Investment)	2.0
6/5	CR	Review certiorari brief (Estate Investment); Confer with AH and DL	1.8
6/5	AH	Draft response to order to show cause (Estate Investment)	0.5
6/6	AH	Continue draft response to order to show cause (Estate Investment)	1.2
6/6	DL	Analyze various issues in Estates Investment petition for certiorari	2.5
6/7	DL	Review and analyze drafts of response and issues in Estate Investment petition for certiorari	3.7
6/8	CR	Review/revise response to petition for certiorari (Estate Investment)	1.2
6/8	AH	Revise response to order to show cause (Estate Investment)	0.7
6/9	CR	Estate Investment (certiorari): telephone conference with all counsel; review and finalize response brief; file brief in court at deadline	3.4

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**Litigation (continued)**

6/9	AH	Confer with DL and CR regarding finalization of response to order to show cause (Estate Investment)	2.7
6/9	DL	Confer with CR and AH re: response (Estates Investment); review final draft	1.9
6/13	CR	Litigation: Acosta foreclosure; attend status conference	1.4
6/13	CR	Liu litigation (VPB v. Wen Liu): draft motion to strike answer; draft request for admissions; draft notice for trial; review "answer"	2.6
6/14	CR	Review complaint by Debjit Rudra; conduct docket search for related cases; review litigation history of Rudra; email to DL concerning decision not to prepare a response	1.1
6/14	CR	Liu litigation; research law of injunctions for municipalities; draft motion for temporary injunction; draft affidavit for code officer A. White for execution; various emails related to Lee v. Asphalt Paving; finalize and serve discovery responses	4.8
6/16	CR	Litigation: confer with insurance counsel	0.2
6/19	CR	Liu litigation: finalize/file motion for injunction; finalize/file affidavit in support by code officer A. White	1.3
6/21	CR	Call from JC Planas re stay of appeal (Estate Investment); review procedures for stay of appeal; call to DL re meeting with VPB representatives	0.8
6/22	CR	Deutsche Bank v. Krakoski litigation; attend final hearing; confer with plaintiff counsel concerning drop out of VPB; email/telephone call to DL re same	1.7
6/22	CR	Estate Investment: various calls to/from JC Planas and DL concerning meeting; review 11th Circuit appellate rules	1.3

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Litigation (continued)

6/23 CR Request hearing dates for motion for temporary injunction  
(Liu litigation); research policy for hearing scheduling for  
hearing for temporary injunction; draft letter to Judge  
Cardonne requesting expedited hearing 1.7

Total Fees

Monthly total hours..... 138.2  
Total fees due (@ \$200/hour).....\$ 27,640

Reimbursable Expenses

WestLaw computer research charge, at cost.....\$ 226  
Recordation charge for filing covenant to convey/right of way deed.....\$ 601  
FedEx fees and US postage.....\$ 38  
Total Reimbursable Expenses.....\$ 865

**Total amount due (fees and expenses).....\$ 28,505**

DL/Dexter Lehtinen CR/Claudio Riedi JC/John Catalano BF/Bob de la Fuente  
AH = Amanda Had