

RESOLUTION NO. 2016-___

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 \$27,422.00 FOR PERIOD ENDING SEPTEMBER 30, 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 September 30, 2016, in the amount of \$27,422; 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 \$27,422, 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 7th day of November, 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:

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Council Member Karyn Cunningham _____
Council Member Tim Schaffer _____
Council Member Larissa Siegel Lara _____
Vice-Mayor John DuBois _____
Mayor Eugene Flinn _____

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

September 2016
Village of Palmetto Bay

Statement Period: **September 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

9/1	DL	Meet with Council Member re proposals; prepare resolutions and review agenda items for upcoming Council meeting; meet with Manager and Clerk	5.3
9/2	DL	Continue meetings and agenda review in preparation for Council meeting; draft additional resolutions	4.4
9/9	DL	Review materials for upcoming Council meeting; confer with Manager and Clerk	1.3
9/4	CR	Meet with Allen White and ride-along concerning sign removal	1.3
9/4	DL	Meet at Village Hall with Code Officer Allen White re sign removal and allegations in connection therewith	1.3
9/6	BF	Follow-up re procurement issues	0.4
9/8	CR	Prepare report regarding sign removal; email to DL	2.7
9/12	DL	Preparation for Village Council meeting and first budget hearing; prepare sign report; meetings in advance of Council meeting; attend regular and first Council budget hearing	6.5
9/12	CR	Prepare revised report concerning sign removal controversy; confer with DL concerning revisions to report	2.3
9/13	BF	Follow-up re procurement matters	0.2

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September 2016/Village of Palmetto Bay

General Government (continued)

9/14	CR	Review/research sunshine law to citizen forums prior to election; review Sunshine Law Manual; review Attorney General Opinions; prepare memorandum to DL re issue; email to DL	1.8
9/15	DL	Discussions with Manager and Clerk regarding upcoming Issues for Council	1.1
9/19	DL	Council zoning hearing meeting and special Council meeting; prepare for meetings	3.7
9/26	DL	Prepare for Village Council meetings; attend Council zoning hearing, second Council budget hearing, and special Council meeting	4.6
9/27	DL	Attend portion of special Council meeting	0.5

Human Resources (Personnel)

9/1-30 -- none

Zoning and Land Use

9/15	BF	Follow-up concerning Van Orsdel matter	0.3
9/15	JC	Review correspondence by attorney for Van Orsdel; revise and modify draft of covenant; prepare redlien and transmit to Delsalle (Planning) ; follow-up wi/ attorney for Van Orsdel	1.1
9/21	JC	Address potential modifications to conveyance; email follow-up with Delsalle (Planning); telephone conference regarding same (Van Orsdel)	0.9

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Litigation

9/1	CR	Review return of service (seal case); order new service; confer with Village Manager concerning demand letter; research Village Code concerning signs; email to client re 14200 Farmer Road settlement	2.3
9/2	CR	14200 Farmer Road: various emails regarding code compliance on property; email from/to opposing counsel	0.3
9/3	CR	Conference with DL re finalizing (Alexander Montessori School) appellate brief	0.4
9/3	DL	Confer with CR re Alexander School brief; research delegation of zoning power, legislative power, quasi-judicial power	1.1
9/4	CR	Sign litigation: review motion to dismiss; discuss strategy with DL; research waiver of objection to personal jurisdiction by serving discovery	2.2
9/5	DL	Research issues in Alexander School brief; review and revise final draft	2.6
9/6	CR	Revise and file initial brief (Alexander Montessori School) in 3rd DCA; confer with DL re same; Wesy foreclosure: attend motion for summary judgment; confer with opposing counsel re carve-ou of VPB lien	5.3
9/7	CR	Litigation: West foreclosure; draft order preserving VPB priority liens; Seal case: confer with process server; confer with DL concerning numerous issues related to signs	1.8
9/13	CR	Call from attorney Auerbach re pending issues (seal case); call DL concerning same; revise/finalize notice of hearing on motion to dismiss	0.7
9/19	CR	Review order of court denying preliminary motion to dismiss (VMU writ); confer with J. Proctor concerning further proceedings; review petition for certiorari; research responsive arguments; confer with DL concerning same	3.9

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September 2016/Village of Palmetto Bay

Litigation (continued)

9/19	DL	Confer with CR re initial order of court (VMU writ); analyze specific issues for response brief	1.8
9/20	CR	Review petition (VMU writ) and formulate response; review applicable law	1.9
9/21	CR	Call to E. Ball; confer with DL; confer with BF; review petition for certiorari (VMU); review motion to dismiss; review record; review case law cited	3.8
9/21	DL	Research and study cases cited in petition for writ (VMU); Distinguish cases as inapplicable	2.7
9/22	CR	Draft response for petition for cert (VMU); research various issues; review appendix	7.6
9/22	DL	Study VMU writ for petition for certiorari, all factual and legal claims; analyze responses, including proper jurisdiction for certain claims (not properly in writ); consider appendix	4.9
9/23	CR	Meeting with DL and D. Delsalle (Planning), working through numerous issues in petition for certiorari; continue drafting response; confer with E. Ball Mehta IVMU)	9.8
9/23	DL	Meet with CR and Delsalle to discuss all issues in writ (VMU); consider factual claims and legal claims in writ; analyze draft responses	6.8
9/26	CR	Research various due process issues (VMU writ); continue drafting response to writ of certiorari; confer with DL	4.7
9/25	DL	Review and analyze preliminary planned (draft) responses to factual and legal claims in writ (VMU)	3.8
9/27	CR	Review various issues (VMU writ); continue drafting response to petition for certiorari; confer with DL	7.3
9/28	CR	Review and revise draft of response brief (VMU); edit same	1.1

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September 2016/Village of Palmetto Bay

Litigation (continued)

9/29	CR	Review evidentiary issues; draft/revise response to petition for certiorari (VMU)	2.5
9/29	DL	Analyze misstatements and misplaced law in petition for Writ of certiorari (VMU); review petition	2.4
9/30	CR	Meeting with P&Z staff (Delsalle) and DL at Palmetto Bay to continue response to petition for cert (VMU); conduct extensive research concerning restrictive covenants and related matters; edit/draft response to petition for cert	9.8
9/30	DL	Meet with CR and Delsalle to continue factual and legal analysis of petition for writ (VMU); review legal and zoning history; review draft of Village response	6.4

Total Fees

Monthly total hours.....	139.5
Total fees due (@ \$190/hour.....)	\$ 26,505

Reimbursable Expenses

WestLaw computer research charge.....	\$ 894
FedEx and postage.....	\$ 23
Total Reimbursable Expenses.....	\$ 917

Total Amount Due

Total amount due (fees and expenses).....\$ 27,422

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