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RESOLUTION NO. 2015-87

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 \$14,728; AND PROVIDING 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 September 30, 2015, in the amount of \$14,728; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

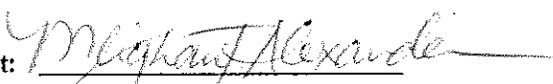
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

**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 \$14,728, copies of which are attached, are approved for payment.

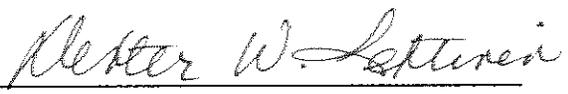
**Section 3. Effective Date.** This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 2<sup>nd</sup> day of November, 2015.

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

1  
2 FINAL VOTE AT ADOPTION:  
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4 Council Member Karyn Cunningham YES  
5  
6 Council Member Tim Schaffer YES  
7  
8 Council Member Larissa Siegel Lara YES  
9  
10 Vice-Mayor John DuBois YES  
11  
12 Mayor Eugene Flinn YES  
13

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

**September 2015**  
**Village of Palmetto Bay**

Statement Period: **September 2015**  
Client: **Village of Palmetto Bay, Florida**

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

9/8	DL	Attend Regular Village Council meeting; confer with staff and prepare for Council meeting	6.8
9/9	DL	Special Council meeting of the Village Council; attend and prepare for meeting in advance	3.6
9/14	DL	Meet with Village Manager regarding upcoming issues; confer with staff	1.8
9/16	DL	Confer with staff regarding pending issues for upcoming meetings; agenda review meeting	1.4
9/17	DL	Meeting of Charter Revision Commission; meet with Village Manager regarding various issues, including maintenance Contract provisions	4.3
9/21	DL	Attend Special Village Council Budget meeting (Second/Final Budget session); prepare for meeting	2.7
9/21	CR	Review agreement with Tip Top Enterprises for lawn maintenance of parks; confer with Lehtinen; call Parks Director	0.7
9/23	DL	Meet with Village Clerk to sign resolutions, etc; discuss upcoming issues with Mayor, Manager, Riedi	1.7
9/23	CR	Review contracts for festival promoters; e-mail to Manager's Office and Personnel Office; confer with Lehtinen; e-mail to Finance regarding liens on Acosta/Rodriguez property	0.7

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

**September 2015/Village of Palmetto Bay**  
(continued – page two)

**General Government (continued)**

9/25	DL	Discussion with Alexander School representatives and Village Manager regarding Village Charter; confer with Council Members; meet regarding resolutions	2.4
9/25	CR	Call from Vanessa concerning lien; conference call with Council Member	1.3
9/28	CR	Prepare form services agreement to be used by Village for all future service agreements; various discussions concerning release of superiority liens; e-mail to opposing counsel regarding partial release of lien	4.5
9/28	DL	Meet with Village Manager regarding contracts and possible acquisition of open space/park property	1.0
9/29	CR	Draft agreement for craft festival promoter; e-mail Manager's office; confer with Finance and closing agent concerning Rodriguez payoff of lien	2.4
9/30	CR	Research Florida law regarding the use of a person's likeness in a photograph; draft memorandum of law to Lehtinen concerning same; research Florida law regarding enforcement of municipal ordinances through circuit court action for mandatory injunction; draft memorandum to Lehtinen concerning same; telephone call with Lehtinen	5.6

**Zoning/Land Use**

9/9	DL	Attend Village Council Zoning meeting Re: Palmer Trinity School amendments; discussion with Palmer Trinity attorney; prepare for meeting	2.6
9/21	DL	Attend Village Council Zoning meeting/hearings; confer with staff regarding zoning requests and special taxing district; prepare for meeting	3.2

**Lehtinen Schultz Riedi Catalano Fuente  
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Miami, Florida 33131**

**September 2015/Village of Palmetto Bay**  
(continued – page three)

**Zoning/Land Use (continued)**

9/28	DL	Meet with Planning Director regarding legal aspects of transfer Of development rights (TDRs); review issues regarding Miami-Dade Fire Department revised site plan application	1.8
9/29	JC	Review and analyze agreement for sale and purchase, easement, deed, and release documentation in connection with South Motors; confer with J. Loumiet; review questions relating to site plan and phasing plan; follow-up with Planning Director regarding same	2.3
9/29	BF	Review comments to South Motors easement; research Land Development Code re: easement and parks issues; revise Easement	0.4
9/30	DL	Confer/meet with Manager and Planning Director regarding proposed resolutions	1.2

**Human Resources (Personnel)**

9/17	DL	Discussion with Village Manager regarding personnel termination policies and application to various facts; review Village personnel policies	1.1
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**Litigation**

9/1	CR	Review stipulation of settlement and various drafts of resolutions concerning Palmer Trinity School litigation; confer with Lehtinen; research possible causes of action for trespass and other torts by public agencies	2.0
9/2	DL	Review of proposed settlement terms in Palmer Trinity litigation; discussion with Riedi and with Manager regarding unacceptable terms proposed to be added by Palmer Trinity; preparation for meeting next day	2.9

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

**September 2015/Village of Palmetto Bay**  
(continued – page four)

**Litigation (continued)**

9/2	CR	Various telephone calls with opposing counsel and Lehtinen about resolution and settlement agreement (Palmer Trinity); call from Manager concerning same; e-mails from/to Clerk concerning notice; e-mail from Plaintiff's counsel concerning fire station settlement; e-mail to Lehtinen concerning same	2.0
9/3	DL	Meeting regarding possible Palmer Trinity School lawsuit settlement with Manager, Palmer attorneys, Palmer Board Chairman, PB attorney Riedi; discussion of settlement issues, including effective date and conditions; preparation for meeting	3.1
9/3	CR	Attend meeting with Village Manager, Lehtinen, and Palmer Trinity representatives to clear up terms of settlement agreement; confer with Palmer Trinity counsel thereafter	1.3
9/9	CR	Attend court hearing to approve settlement negotiations (Palmer Trinity); various meetings with opposing counsel to discuss last-minute issues	2.0
9/11	CR	Review revised settlement agreement regarding fire station litigation; review new site plan and compare to original site plan; e-mail Lehtinen; review correspondence re: settlement; review Village Code	1.0
9/14	CR	Confer with Lehtinen concerning Palmer Trinity settlement; e-mail to Clerk concerning same	0.4
9/15	CR	Call Jeff Hochman (Fla League designated attorney) concerning Palmer Trinity settlement; review various resolutions regarding amended site plan; review order granting extension of time in fire station litigation; e-mail correspondence with Planning Director regarding landscaping plan for fire station	0.7
9/22	DL	Conference with Riedi regarding fire station litigation and possible settlement; discussion with Planning Director regarding potential settlement; review settlement issues	3.4

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**September 2015/Village of Palmetto Bay  
(continued – page five)**

**Litigation (continued)**

9/23	CR	Review revised settlement agreement and modified site plan for fire station; various telephone calls with Lehtinen and Planning Director concerning revised settlement; e-mails to/from opposing counsel	1.8
9/23	DL	Review all materials regarding fire station settlement; discuss with Riedi and Planning Director potential problems	1.3
9/25	CR	Confer with opposing counsel; review settlement agreement (fire station)	0.3
9/28	CR	Review revised settlement agreement (Fire station); confer with opposing counsel; e-mail and telephone to/from Planning Director	1.3

**Total Fees**

Monthly total hours.....	77.0
Total fees due (@ \$190/hour.....)	\$ 14,630

**Reimbursable Expenses**

WestLaw computer research charge (at cost) (January).....	\$ 98
Total Reimbursable Expenses.....	\$ 98

**Total amount due (fees and expenses).....\$ 14,728**

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