

RESOLUTION NO. 2019-68

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 \$21,961 FOR PERIOD ENDING MARCH 31, 2019; 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 March 31, 2019, in the amount of \$21,961; 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 \$21,961, 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 6th day of May 2019.

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Attest:

DocuSigned by:
Missy Arocha
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Missy Arocha
Village Clerk

DocuSigned by:
Karyn Cunningham
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Karyn Cunningham
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
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Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore	<u>YES</u>
Council Member David Singer	<u>YES</u>
Council Member Marsha Matson	<u>YES</u>
Vice-Mayor John DuBois	<u>YES</u>
Mayor Karyn Cunningham	<u>YES</u>

Lehtinen- Schultz, LLC
1111 Brickell Avenue, Suite 2200
Miami, Florida 33131

March 2019
Village of Palmetto Bay

Statement Period: March 2019

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

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

3/3	DL	Review and prepare for Village Council meeting	1.8
3/4	DL	Attend Village Council meeting; meet with Village Manager and staff on meeting issues and other upcoming issues	7.6
3/11	CR	Review Fla Power & Light (FPL) franchise agreement; Email to Village concerning same; review roadway maintenance agreement for Deering Estate property; email to/from W. Maltby concerning statute for calculating cost of restoration	2.8
3/12	DL	Meeting with Mayor, Manager, staff regarding Council items passed and future Council agenda; separate meeting with staff	2.1
3/15	CR	Research concerning federal, state, and local regulation Of drones (unmanned aerial vehicles); draft legal memorandum regarding same	2.6
3/19	CR	Attend Committee of the Whole meeting; prepare for Meeting; meet with Manager concerning various issues	4.3
3/21	DL	Meet at Village Hall to prepare upcoming agenda items; thereafter continue preparation of agenda items	3.9

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March 2019/Village of Palmetto Bay

General Government (continued)

3/22	CR	Review 2009 stipulation between Village and FPL regarding East Corridor Electric Transmission Lines; review City of South Miami motion for extension of time to file appellate brief in 3 rd DCA	0.6
3/22	DL	Continue preparation/drafting of Council agenda items	3.7
3/23	DL	Draft and prepare newly requested agenda materials for upcoming Council meeting	4.6
3/25	DL	Prepare and assist in preparation of Council agenda items for issuance of agenda	2.8

Human Resources (Personnel)

3/1-3/31 No activity

Zoning and Land Use

3/2	CR	Draft/revise Bert Harris Act memorandum re: Downtown Urban Village (DUV) amendments	1.7
3/3	DL	Research, review and correction of Bert Harris Act analysis re DUV amendments; discussion with CR	2.2
3/4	CR	Continue Bert Harris Act memorandum re DUV; email and telephone calls to/from DL	3.8
3/4	DL	Meet with owners of old FPL property, Manager, staff regarding regulations applicable thereto; prepare for meeting	1.9

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March 2019/Village of Palmetto Bay

Zoning and Land Use (continued)

3/5	AH	Conversation with DL re comprehensive plan amendments	0.4
3/5	CR	Call from A. White concerning neighbor dispute (Barrios/Willis); continue draft and revise Bert Harris Act analysis concerning DUV potential revisions;	4.7
3/6	CR	Finalize Bert Harris Act memorandum (DUV); email concerning same from DL; email ro Manager;	5.1
3/6	DL	Continue analysis of Bert Harris Act application to Potential amendments to DUV district land use code	2.3
3/6	AH	Review FS 163.3184 (regarding comprehensive land use plan amendments) and correspondence regarding language for effective date	0.6
3/8	BF	Correspondence from M. Pineda; correspondence to M. Pineda re comprehensive plans	0.3
3/15	CR	Telephone call to DL regarding vested rights issues; call from Councilmember concerning Bert Harris Act (DUV) memorandum	1.8
3/15	DL	Confer with CR regarding legal issues and applications of Bert Harris Act to potential DUV code changes; analyze issues	1.1
3/15	BF	Review issues with DL (Rosen case); follow-up with S. Ferrera; follow-up with Village	0.7

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Zoning and Land Use (continued)

3/18	DL	Meeting with Manager, Mayor, outside attorney Quick, staff concerning Yacht Club Luxcom issues on old FPL property; prepare for Council zoning meeting; attend Village Council zoning meeting	6.8
3/18	CR	Call from DL regarding various zoning issues; Call from J. Williams (Holland & Knight) concerning vesting issues; finalize memorandum regarding drone issues under neighborhood nuisance law	1.7
3/19	BF	Various correspondence regarding right-of-way (ROW) and deed matters (Shores site plan)	0.8
3/20	BF	Review reverter issue (Shores site plan/Rosen)	0.3
3/20	CR	Review Bert Harris presentations of Fox Rothschild and Weiss Serota; confer with DL; confer with D. Chin concerning Rosen case; confer with attorney Hochman concerning representation of Councilmembers in same	0.8
3/21	CR	Confer with DL regarding Bert Harris Act analysis (DUV); email to AH re same; review Bert Harris Act case law	1.9
3/22	AH	Conversation with DL regarding vester rights	0.2
3/22	DL	Research various elements of vested rights and right of property owner to proceed on existing land use law while amendments are under consideration	2.3
3/27	DL	Meeting with Manager, staff regarding various vested rights issues in Downtown Urban Village (DUV) zoning district; research issue	2.6

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Litigation

3/4	CR	Telephone call and email to attorney JC Planas concerning extension of time to file response for Councilmember Matson; telephone call to attorney Jeff Leary concerning extension of time to respond to subpoena to Councilmember Singer; call to/from Julie Feigolies concerning representation of Councilmembers by Fla League of Cities; call to/from Jeff Hochman of Johnson Anselmo re cases; email to Clerk re text message production in Rosen case	1.9
3/6	CR	Research docket in Indigo certiorari appeal (Shores site plan); email certiorari appeal to Councilmember Singer; conference call concerning Javetch property with Wesley Maltby, Jerry Proctor, and parry seeking to acquire property	1.8
3/8	CR	Review Munilla construction bankruptcy; email to Pitter concerning same; Review recommendation of no cause by Com. On Ethics in complaint against former Mayor Flinn; confer with former Mayor re same	2.5
3/11	CR	Email to Jeff Hochman, League of Cities, re lawsuit; confer with DL concerning review of emails from Singer subpoena (Rosen case); review and approve substitution of counsel; email to Pittser concerning Munilla bankruptcy case; review notice of intent to subpoena Manager	1.9
3/13	BF	Rosen case – correspondence from/to Village; follow-up with DL	0.3
3/13	CR	Attend Unsafe Structures Board; confer with W. Maltby concerning possible agreement to extension; represent Village before Board	3.5

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Litigation (continued)

3/14	CR	Discovery responses in Rosen lawsuit, telephone call from former Mayor Flinn; review Berkowitz in Rosen lawsuit; details from Clerk regarding emails in Risen lawsuit	0.4
3/15	CR	Emails to/from attorney Leary concerning production of text messages; email to M. Arocha regarding same (Rosen case); review issues in case	0.9
3/21	CR	Review docket in Rosen case regarding various subpoenas; Send same to DL	0.4
3/28	CR	Review Special Master agreement for Fowler White; email to/from Pittser; open new foreclosure file for Quintinella and review complaint	2.5
3/29	BF	Shores/Indigo – review comments to PSA; correspondence re same; Rosen – receive/review multiple correspondence	0.7

Total Fees and Expenses

Total Fees

Monthly total hours.....	97.6
Total fees due (@ \$220/hour).....	\$ 21,472

Reimbursable Expenses

WestLaw computer research charge, at	\$ 489
Total Reimbursable Expenses.....	\$ 489

Total amount due (fees and expenses).....	\$ 21,961
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DL/Dexter Lehtinen CR/Claudio Riedi BF/Bob de la Fuente; AH/Amanda Hand