

RESOLUTION NO. 2019-80

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 \$22,469 FOR PERIOD ENDING APRIL 30, 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 April 30, 2019, in the amount of \$22,469; 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 \$22,469, 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 3rd day of June 2019.

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Attest:

DocuSigned by:
Missy Arocha
6EDC211E5E8C48C...
Missy Arocha
Village Clerk

DocuSigned by:
Karyn Cunningham
35B93CD2D0CB470...
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 YES
- Council Member David Singer YES
- Council Member Marsha Matson YES
- Vice-Mayor John DuBois ABSENT
- Mayor Karyn Cunningham YES

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

April 2019
Village of Palmetto Bay

Statement Period: **April 2019**

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

| <u>Date</u> | <u>Individual</u> | <u>Subject</u> | <u>Time</u> |
|-------------|-------------------|----------------|-------------|
|-------------|-------------------|----------------|-------------|

General Government

| | | | |
|-----|----|---|-----|
| 4/1 | DL | Attend Charter Officers meeting with Mayor, Clerk, Manager, staff; review and prepare for Council meeting; attend regular Village Council meeting | 6.8 |
| 4/3 | CR | Review state law and Village Code concerning procurement; email to DL concerning same | 0.8 |
| 4/3 | DL | Post-Council meeting actions; discussion with staff re actions at Council meeting | 1.6 |
| 4/4 | BF | Analyze short term rental legislation and related documents/ issues; correspondence re same | 1.9 |
| 4/4 | CR | Review various ordinances regarding short term rentals; review BF revisions; discuss same with BF | 0.8 |
| 4/5 | BF | Short term rentals – further review short term rental matters; correspondence re same | 0.7 |
| 4/9 | CR | Confer with Finance Director regarding FPL franchise agreement; review same | 0.8 |

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April 2019/Village of Palmetto Bay

General Government (continued)

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|------|----|--|-----|
| 4/10 | CR | Research and analyze various local government ordinance regarding tree preservation; draft memorandum concerning same; telephone conference with Councilmember Matson, Tree Board Chair Clifford, DL; call A. White, code enforcement, re pine tree cutting; call from DL and Councilmember re remote attendance at Council meetings | 6.8 |
| 4/10 | DL | Meeting with Councilmember at Village Hall; review member requests; confer with CR re tree board issues, trees, and remote attendance at Council meetings; confer with staff | 2.9 |
| 4/11 | CR | Survey law and prepare memorandum regarding possible attendance at Council meetings by electronic means; draft memorandum re same and email to DL | 3.9 |
| 4/12 | CR | Review public records law regarding requests for security camera footage; research cases; draft memorandum regarding same | 2.7 |
| 4/15 | DL | Meeting with Mayor, Manager, staff at Village Hall regarding all pending issues, upcoming agenda items; confer with staff | 2.8 |
| 4/16 | CR | Advise Manager re issues with FPL franchise agreement; confer with DL concerning various procurement issues; various emails between insurance counsel and Finance Director Chin | 0.5 |
| 4/18 | CR | Review memos on pine tree ordinance | 0.6 |

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General Government (continued)

| | | | |
|------|----|--|-----|
| 4/18 | DL | Meet with Councilmember re issues of interest to Councilmember (past and future); meet with staff | 1.9 |
| 4/19 | CR | Review notice requirements for approval of franchise fee; confer with DL re same | 1.9 |
| 4/20 | DL | Meeting with Mayor re upcoming issues, procedures; attend Robert's Rules of Order workshop (no charge for workshop attendance) | 1.1 |
| 4/22 | CR | Attend Council meeting (initial part) | 1.0 |
| 4/23 | DL | Meet with Mayor, Manager, Clerk, staff in agenda review meeting; attend Village Council meeting (no charge for DUV portion of meeting) | 2.9 |
| 4/24 | CR | Analyze Americans with Disabilities Act (ADA) issues with website; emails to Manager; phone call to councilmember Matson | 1.4 |
| 4/26 | DL | Meeting with Councilmember re issues of interest to Councilmember; attend Charter officers meeting (Mayor; Manager; Clerk; staff) at Village Hal | 3.0 |

Human Resources (Personnel)

4/1-4/301 No activity

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Zoning and Land Use

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|------|----|---|-----|
| 4/11 | BF | Nicklaus right of way: review information re county maintenance map; conference call with Pineda; review statute; correspondence to Pineda | 0.8 |
| 4/12 | BF | Nicklaus ROW – follow-up re PSA and maintenance map | 0.3 |
| 4/15 | CR | Meeting with applicant Luxcom (old FPL site); confer with DL and Manager re same | 2.5 |
| 4/15 | AH | Conversation with DL re vested rights (Luxcom) | 0.2 |
| 4/16 | BF | Nicklaus: receive/review correspondence and revisions; prepare for call; conference call with attorney Ferrera and Pineda | 0.9 |
| 4/16 | CR | Further review feasibility of hospital on Luxcom (old FPL) site | 0.8 |
| 4/16 | DL | Research and analyze current state and Village law re comprehensive plan amendments, in connection with pending Council action re Luxcom property | 2.4 |
| 4/17 | BF | Nicklas Hospital right of way: review and revise resolution; correspondence re same | 0.7 |
| 4/18 | DL | Confer with CR re zoning/comp plan issues for old FPL site (Luxcom); research legal issues | 2.6 |
| 4/18 | AH | Conversation with DL re new Luxcom complaint | 0.2 |

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Zoning and Land Use (continued)

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|------|----|--|-----|
| 4/18 | CR | Review relevant M-D County code sections concerning old FPL property; telephone conference with DL | 1.2 |
| 4/21 | DL | Prepare for upcoming comprehensive plan and zoning hearings re Yacht Club Luxcom property (old FPL property); analyze legal requirements and likely objections | 2.4 |
| 4/22 | AH | Confer with DL re comprehensive plan amendment issues | 0.6 |
| 4/22 | DL | Attend Village Council Zoning Hearing meeting re old FPL site (Yacht Club Luxcom) (no charge for 6:00 pm part of Council meeting); prepare for hearing; meet with Mayor, Manager, planning staff | 6.9 |
| 4/22 | CR | Review notice issue re old FPL property (Luxcom); confer with DL re same | 0.8 |
| 4/23 | DL | Attend Downtown Urban Village (DUV) Council meeting (no charge) | 0.0 |
| 4/23 | CR | Attend Special Council meeting re DUV zoning code amendment development; review comp plan issues re Luxcom; confer with DL | 3.2 |
| 4/24 | DL | Research comprehensive plan issues; confer with CR, AH | 1.0 |
| 4/24 | CR | Confer with DL/AH re Luxcom comprehensive plan amendment issues (non-lawsuit); research comp plan issues; review notice for re-zoning and comp plan | 2.6 |
| 4/24 | AH | Review re notice in Luxcom comp plan amendment; conference call (CR/DL) | 0.3 |

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Zoning and Land Use (continued)

| | | | |
|------|----|--|-----|
| 4/26 | DL | Meeting at Village Hall with Manager, planning staff, Village Mixed Use (VMU) owner; prepare for meeting | 1.8 |
| 4/29 | BF | Nicklaus – review and revise correspondence (right of way) | 0.2 |

Litigation

| | | | |
|------|----|---|-----|
| 4/2 | CR | Call from Allen White concerning disturbance at Wen Liu's home; review standing injunction orders | 0.6 |
| 4/5 | DL | Meet with Councilmember regarding discovery in litigation (Shores); review materials | 2.1 |
| 4/18 | DL | Begin research and draft memorandum analysis to Yacht Club Luxcom lawsuit re comprehensive plan amendment process | 2.8 |
| 4/19 | DL | Research and review all aspects of comprehensive plan amendment procedure lawsuit against Village by Yacht Club Luxcom; begin drafting an analysis memorandum | 2.4 |
| 4/21 | DL | Continue research, drafting and completion of analysis memorandum re Yacht Club Luxcom lawsuit (comprehensive plan amendment process) | 3.7 |
| 4/24 | CR | Analyze complaint by Yacht Club Luxcom, re comprehensive plan amendment participation, to develop motion to dismiss, based on research and DL analysis memorandum | 2.9 |
| 4/25 | CR | Review notion to dismiss Luxcom complaint (comprehensive plan amendment process) | 1.5 |

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Litigation (continued)

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|------|----|---|-----|
| 4/26 | CR | Review and analyze possible avenues for litigation against So. Fla Water Mgmt. District for failure to maintain canals (canal bank erosion); review state required dispute resolution procedure | 3.5 |
| 4/29 | CR | Email V. Bencomo re various code enforcement items; call with A. White concerning same; confer with DL re motion to dismiss Yacht Club Luxcom lawsuit; revise draft motion to dismiss | 2.3 |

Total Fees and Expenses

Total Fees

| | |
|---|------------------|
| Monthly total hours..... | 101.0 |
| Total fees due (@ \$220/hour)..... | \$ 22,220 |

Reimbursable Expenses

| | |
|--|---------------|
| WestLaw computer research charge, at | \$ 249 |
| Total Reimbursable Expenses..... | \$ 249 |

| | |
|--|------------------|
| Total amount due (fees and expenses)..... | \$ 22,469 |
|--|------------------|

DL/Dexter Lehtinen CR/Claudio Riedi BF/Bob de la Fuente; AH/Amanda Hand