

PASSED and ADOPTED this 1st day of July 2019.

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
1B1D06E71321445
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 YES
- Mayor Karyn Cunningham YES

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

May 2019
Village of Palmetto Bay

Statement Period: **May 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

5/2	DL	Sttend meeting of Manager, Mayor, Clerk other staff to review agenda items, other issues; confer with staff	2.2
5/5	DL	Review agenda items for upcoming Council meeting	1.3
5/4	CR	Review Florida statutes regarding local authority over plastic straw distribution (legislative preemption); draft memorandum and email to DL re same	2.9
5/6	DL	Attend regular Village Council Meeting; prepare for meeting; meeting with staff, charter officers prior to meeting	5.6
5/10	DL	Meeting with Manager, Mayor, Clerk and staff re prior Council meeting and future issues	1.9
5/14	BF	Review statutory questions re towing, conference call with M. Pineda	0.4
5/14	CR	ADA (Americans with Disability Act) compliance; review letter by Gil; research various issues re ADA compliance (esp. websites); confer with other municipality re solutions to this problem; draft letter to Gil; phone call with Olga Cadaval concerning internal review of Village website	2.6
5/15	BF	Conference call with M. Pineda; research re towing	0.8

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May 2019/Village of Palmetto Bay

General Government (continued)

5/16	BF	Conference call with M, Pineda; research re towing	1.1
5/20	CR	ADA issues: call from/to Manager; revise letter to Gil	0.5
5/21	DL	Meeting of Village Council (Committee of the hole/COW); Review and prepare	3.1
5/22	BF	Procurement: review issues re Chapter 119 (Sunshine Law) and cone of silence	1.2
5/23	DL	Conference at Village Hall with Charter Officers re follow- Up to previous meeting and future issues; meeting with staff	2.2
5/25	DL	Draft various items for upcoming agenda	1.7
5/28	CR	Confer with DL re medical marijuana zoning ordinance; notice requirements; revise proposed ordinance	1.3
5/29	CR	Call from Councilmember regarding tree board ordinance and ethics complaints; review Pinecrest tree ordinance; review revised medical marijuana ordinance and email to M. Alvarez	1.3
5/31	DL	Meeting with Charter Officers to review upcoming meeting and other issues; separate meeting with staff	2.8

Human Resiurces (Personnel)

5/1-5/31		No activity	0.0
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May 2019/Village of Palmetto Bay

Zoning and Land Use

5/13	CR	Attend Scarano code enforcement hearing; ; review file by White; communication with Bencomo re mitigation after final judgement; revise/review Luxcom Yacht Club motion to dismiss by Village	2.5
5/15	CR	Code enforcement; conference with A. White re upcoming case; further review, ADA compliance; research current status of Bert Harris Act (recent action) and email to DL	1.7
5/15	DL	Study Bert Harris Act and review current status; analyze effect of “spot zoning” agreement to settle Bert Harris claims, on rights of adjoining property owners and obligations of Village	2.8
5/17	CR	Code enforcement review; email to O. Cadaval	0.6
5/19	DL	Analyze Luxcom Yacht Club objections filed with Dept of Econ Opportunity, against Village comprehensive plan amendment; research claims based on county and regional plans	2.4
5/20	DL	Meeting of Village Council re zoning and other matters; Prepare for meeting	3.4
5/20	CR	Attend Council meeting on DUV amendments; Confer with DL/AH re Luxcom Yacht Club challenge with DEO to complete revision, submitted to state; consider response	2.3
5/20	DL	Confer with AH/CR re Village response to Luxcom’s objections filed with DEO	0.9

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Zoning and Land Use (continued)

5/20	AH	Review Chapter 163 (comp planning) and Luxcom Yacht Club objections with DEO; confer with CR/DL; correspondence re same	1.3
5/21	CR	Code enforcement: attend special master code enforcement hearing at Village Hall; call with DL/AH re Luxcom Yacht Club objections with DEO	2.9
5/21	AH	Conversation with DL/CR re Luxcom objections with DEO re comp plan amendment; draft response letter re same	1.0
5/21	DL	Coordinate Village response to Luxcom's objections with DEO; confer with AH/CR	0.5
5/22	CR	Research potential claims by Village against SF Water Man. District (SFWMD), for taking, trespass, etc by bank erosion	2.0
5/23	BF	Review correspondence re Nicklaus hospital; review of information re medical marijuana	0.3
5/23	CR	Review medical marijuana ptoposed ordinance; email to Maria Pre same	0.8
5/31	CR	Review letter from Dept. of Economic Opportunity (Fla) re comprehensive plan amendment (Luxcom property); email to DL re motion in firearms preemption case	0.4
5/31	BF	Review correspondence from M. Alvarez re land use	0.2

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Litigation

5/1	CR	Refer to League of Cities new case on civil rights violation upon arrest and review case; review affidavit prepared by Johnson Anselmo for Kraich case; various emails to Chin and Johnson re same	1.3
5/3	AH	Conversation with DL concerning Yacht Club claims	0.3
5/7	AH	Review and revise Village motion to dismiss of Luxcom Yacht Club complaint	2.0
5/8	DL	Analyze and research Village response to Luxcom Yacht Club causes of action re comprehensive plan process under Village ordinance; research standing, ripeness, advisory Opinions	2.8
5/11	DL	Continue research Village response to lawsuit challenging Village comp plan amendment process under ordinance; continue analysis of standing, ripeness, advisory opinions, and failure to state a cause of action	2.1
5/14	AH	Luxcom: review final motion to dismiss; correspondence re same	0.3
5/14	CR	Revise and finalize motion to dismiss, Luxcom Yacht Club case; confer with DL re same; file motion	3.2
5/14	DL	Final revisions to Village motion to dismiss (Luxcom)	1.2
5/21	CR	Conference re new lawsuit against SFWMD with DL; review immunity issue	0.5

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**April 2019/Village of Palmetto Bay
Litigation (continued)**

5/21	DL	Analyze options for lawsuit by Village against SFWMD for bank erosion	1.8
5/23	CR	Research potential suit against SFWMD for canal bank erosion (inverse condemnation, taking, trespass, etc)	2.5
5/24	DL	Continue analysis of elements of Village claims against SFWMD for canal bank erosion	1.2
5/25	DL	Draft resolution for suing SFWMD and starting mandated; analyze required state dispute settlement process	2.8
5/30	CR	Wen Liu litigation: review ocal rules for notice; prepare And file notice for trial; confer with DL re same; conversation with Murawski, Miami-Dade Comm, on Ethics re ethics complaint; confer with DL re onverse condemnation against SFWMD; research claims against SFWMD and email to DL	3.3

Total Fees and Expenses

Total Fees

Monthly total hours.....	84.2
Total fees due (@ \$220/hour).....	\$ 18,524

Reimbursable Expenses

WestLaw computer research charge, at	\$ 249
Certified mail to Mr. Gil, ADA letter.....	\$ 7
Total Reimbursable Expenses.....	\$ 256

Total amount due (fees and expenses).....\$ 18,780

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