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RESOLUTION NO. 2016-66

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 \$28,969.00 FOR PERIOD ENDING JUNE 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 June, 2016, in the amount of \$28,969; 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:

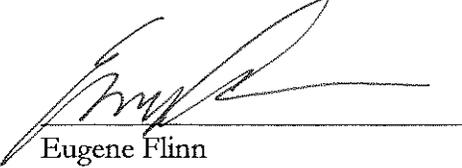
Section 1. Recitals. The above recitals are true and correct and incorporated herein by this reference.

Section 2. Approval. The statements for attorneys' fees and costs received from Lehtinen Schultz Riedi Catalano Fuente, PLLC, in the total amount of \$28,969, 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 12th day of September, 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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7 Dexter W. Lehtinen
8 Village Attorney
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11 FINAL VOTE AT ADOPTION:

12		
13	Council Member Karyn Cunningham	<u>YES</u>
14		
15	Council Member Tim Schaffer	<u>YES</u>
16		
17	Council Member Larissa Siegel Lara	<u>YES</u>
18		
19	Vice-Mayor John DuBois	<u>YES</u>
20		
21	Mayor Eugene Flinn	<u>YES</u>

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

June 2016
Village of Palmetto Bay

Statement Period: **June 2016**

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

<u>Date</u>	<u>Individual</u>	<u>Subject</u>	<u>Time</u>
<u>General Government</u>			
6/1	BF	Receipt and review of correspondence from Bermello Ajami. Follow-up re: Ch. 119 request.	0.4
6/1	CR	Confer with DL re; action to repeal TDRs; review ethics issues; research administrative res judicata issues; research Snyder standard on competent substantial evidence for several alternative actions	3.2
6/1	DL	Consult with CR regarding repeal of VMU and TDR; consider administrative res judicata	2.6
6/2	CR	Conduct legal research concerning ability of Council to change its vote on the same record; confer with DL concerning same; research docket of pending actions and email pleadings to DL. Confer with BF concerning issues of substantial competent evidence	3.8
6/2	BF	Confer with CR regarding issues of substantial competent evidence on appellate review	0.6
6/3	BF	Due diligence and research re: quasi-judicial and appeal procedures; follow-up on Ch, 119 matters	0.9
6/3	CR	Confer with DL concerning numerous issues; research conflicts and recusals; review ethics opinions concerning recusals; review law regarding change of votes after rehearing	3.7
6/3	DL	Confer with CR regarding change of votes in subsequent quasi-judicial hearing	1.3
6/6	BF	Follow-up to Ch. 119 ; research appellate rules vis-a-vis petitions for writ and rendition	1.3

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June 2016/Village of Palmetto Bay

General Government (continued)

6/6	DL	Meeting of Palmetto Bay Village Council; prepare for meeting; review all VMU and TDR issues; meet with Council members regarding Council meeting issues	11.2
6/6	CR	Go to Court to locate newly filed cases against VPB; research various procedural issues related to Writs of Certiorari of quasi-judicial decisions of municipal councils; ; confer with DL; attend VPB Council meeting; concerning rehearing of VMU (Village Mixed Use) issue	6.3
6/7	BF	Follow-up Ch. 119 issues	0.3
6/7	DL	Meet with Manager and Mayor regarding various issues, including VMU and TDR to preserve pine rockland; meet with Mayor. Manager and others re: VMU and TDR; prepare background materials	3.4
6/8	DL	Meet with Clerk to review Council actions and finalize documents	1.8
6/8	BF	Additional follow-up Ch. 119 issues	0.4
6/8	CR	Confer with DL; research disqualification of legal counsel issues	1.8
6/9	DL	Conference with Council member; meet with Manager and Clerk; confer with CR	2.7
6/9	BF	Review TDR and ethical issues	0.6
6/9	CR	Research use of public resources for citizen information purposes	0.9
6/13	DL	Attend Veterans Park Advisory Committee (no charge)	0.0
6/14	BF	Review proposed modifications to consultant agreement	0.5

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June 2016/Village of Palmetto Bay

General Government (continued)

6/15	CR	Research various issues of sunshine law concerning one-way communications; email to DL concerning same; review and review case law concerning pleadings; confer with counsel	5.8
6/15	DL	Council meeting regarding proposed Charter revisions; prepare for meeting; review Charter proposals; review CR research on sunshine law one-way communications;	4.9
6/16	BF	Further review indemnification language	0.4
6/16	DL	Meeting with Miami-Dade officials re: pending issues; prepare for meeting	2.9
6/20	CR	Research statutory requirements for siting of charter schools in municipalities; emails to DL concerning same	1.5
6/20	DL	Review and resaeach charter school state statutes regarding zoning authority of municipalities/countyies	1.8
6/21	BF	Follow-up re: unsolicited proposal matters	0.4
6/22	DL	Meet with Manager, others regarding potential resolutions or ordinances	1.7
6/23	DL	Conference with Council member regarding drafting ordinance(s) clarifying Council meting procedures and agenda; discuss Council and Manager functions for potential drafts; review proposals to be drafted for parks master plan and user fees analysis and periodic review; draft measures following meeting	5.7
6/24	DL	Continue drafting ordinances discussed on previous day; consult with staff and potential sponsor	3.2
6/27	DL	Continue drafting ordinance amending Council meeting procedures and agenda	1.8

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June 2016/Village of Palmetto Bay

General Government (continued)

6/28	BF	Review revised draft letter to garage proposers; correspondence re: same; follow-up re: Ch. 119 issues/requests	0.8
6/28	DL	Draft Charter Amendment proposed ballot language	2.4
6/28	CR	Review code and research right to injunctive relief for violation of Village code	1.6
6/29	BF	Follow-up with Pittser re: Ch. 119 requests (garage); review comment on revised draft medical marijuana ordinance; correspondence re: same	1.4
6/29	DL	Continue drafting Charter amendments proposed ballot language; draft resolutions requested by Council members; review annexation research by CR	3.6
6/29	CR	Research annexation procedures for Miami-Dade and Village; draft and email memorandum re: same to DL	2.1
6/30	DL	Meet with Clerk to draft and finalize all items requested by Council members and finalize agenda package	4.8
6/30	BF	Coordinate with Pittser re: garage public records request matter; review sole source issues	0.7

Zoning/Land Use

6/2	DL	Meet with Manager, owners' representatives and attorneys re: VMU	1.9
6/17	DL	Review and study all materials relating to Shores at Palmetto Bay (Charter School) upcoming zoning issue	2.6
6/20	DL	Meeting of Village Council on zoning/land use issues; meet previous with Manager and Council member regarding Shores at Palmetto Bay (Charter School enrollment); prepare for Council meeting	4.8

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June 2016/Village of Palmetto Bay

Human Resources (Personnel)

6/30	CR	Research public records law for personnel records; email to Cadaval and DL re: public records law applicable to personnel records	0.9
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Litigation

6/2	DL	Meet with Montessori School owners and various Council members in separate meetings	2.1
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6/3	DL	Review all litigation and potential litigation involving Village (Montessori and VMU Writ and Dec Action); analyze issues	2.7
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6/6	CR	Draft response to 3DCA show cause order (Montessori); confer with DL re: same	0.6
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6/7	CR	Calls to Jerry Proctor concerning filing (Montessori); review show cause response; file same	0.8
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6/9	CR	Prepare answer and affirmative defenses for Krakoski foreclosure; research Florida statute on service on a corporation; email to client; confer with DL re: service of process	1.7
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6/13	DL	Analyze all pleadings and potential responses in VMU Dec Action and Writ; study legal issues	3.7
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6/13	CR	Email from/to attorney Ferrer; draft and file notice of filing of final judgment in 3DCA (Montessori)	0.7
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6/14	CR	Various emails with attorney Freidman concerning Ben Tov case; email to DL concerning settlement offer	0.5
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6/14	BF	Review issues in preparation for conference (VMU Writ and Dec Action); meet with all counsel to discuss potential responses	3.0
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6/14	CR	Meet with all counsel regarding joint defense strategy; review record and prepare for meeting; confer with DL and BF	3.2
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June 2016/Village of Palmetto Bay

Litigation (continued)

6/14	DL	Conference with all counsel (Village and VMU owner's counsel) to review strategy on VMU Writ and Dec Action; review prior to meeting; continue discussions following	5.6
6/17	DL	Draft notes for motions to dismiss (VMU Writ - non-participation by plaintiff; and VMU Dec Action - improper service and no development order to challenge); research	2.4
6/21	BF	Review complaint (VMU Dec Action)	0.5
6/21	CR	Review draft motion to dismiss (VMU Dec Action); confer with BF concerning same	0.5
6/23	BF	Review documents (VMU Dec Action); strategize re: motion to dismiss	0.6
6/24	BF	Review draft motions to dismiss; follow-up re: privilege issues (VMU Dec Action)	0.4
6/24	DL	Review draft motion to dismiss (VMU Writ and VMU Dec Action)	1.3
6/25	CR	Review/revise draft motion to dismiss; confer with DL concerning same; confer with all counsel (VMU Writ and Declaratory Action)	0.8
6/29	CR	Prepare complaint for injunction/dec action for code violation; prepare motion for temporary injunction; confer with DL concerning same	6.2
6/29	CR	Finalize and file motion to dismiss (VMU Dec Action)	0.6
6/30	BF	Receive and review correspondence from opposing counsel (VMU Dec Action)	0.2
6/30	CR	Draft/revise complaint for misuse of Village Seal; revise motion for temporary injunction; confer with DL	1.9

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June 2016/Village of Palmetto Bay

Total Fees

Monthly total hours..... 145.4
Total fees due (@ \$190/hour.....\$ 27,626

Reimbursable Expenses

WestLaw computer research charge.....\$ 784
Appellate fees and charges in 3rd District Court of Appeal.....\$ 62
Courier services (VMU cases in Circuit Court).....\$ 66
Filing Fee, Circuit Court Complaint.....\$ 415
Parking for Village business.....\$ 16
Total Reimbursable Expenses.....\$ 1,343

Total amount due (fees and expenses).....\$ 28,969

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

