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RESOLUTION NO. 2016-123

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 \$19,696.00 FOR PERIOD ENDING OCTOBER 31, 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 October 31, 2016, in the amount of \$19,696; 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 \$19,696, 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 5th day of December, 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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Dexter W. Lehtinen
Village Attorney

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FINAL VOTE AT ADOPTION:

- Council Member Karyn Cunningham YES
- Council Member David Singer YES
- Council Member Larissa Siegel Lara YES
- Vice-Mayor John DuBois YES
- Mayor Eugene Flinn YES

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

October 2016
Village of Palmetto Bay

Statement Period: October 2016

Client: Village of Palmetto Bay, Florida

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

10/3	DL	Annexation legal research and memorandum/fact sheet preparation; confer with Council Members and Manager; resolution reviews	3.6
10/4	DL	Special Council meeting (no charge)	0.0
10/7	BF	Conference with L. Pittser re procurement matter; follow-up with DL re annexation matter; research re same; correspondence re same	1.3
10/7	DL	Preparation for upcoming Council meeting; coordinate with Clerk and Manager; draft agenda items (resolutions, etc)	4.5
10/11	BF	Review documents; confer with L. Pittser; revise correspondence to Tequesta; ; correspondence to L. Pittser	1.3
10/12	DL	Meetings at Village Hall with Mayor, Manager, Council Member (separate meetings) regarding VMU, annexation, other pending issues	3.6
10/13	DL	Attend meeting of Palmetto Bay Partnership (focusing on potential annexation	1.0
10/17	DL	Attend Village Council zoning meeting and Council regular meeting; prepare for meeting prior to meetings; confer with officials prior to meetings	6.3
10/18	DL	Attend Sunshine meeting of Council Members at Palmetto Bay Village Center	1.0

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October 2016/Village of Palmetto Bay

General Government (continued)

10/19	DL	Attend State of the Village speech at Village HaLL (No charge)	0.0
10/25	BF	Follow-up with L. Pittser; conference call with L. Pittser re procurement matters and negotiations	0.5
10/26	DL	Confer with staff at Village Hall regarding upcoming issues; attend meeting regarding fire station issues at Library	2.9
10/31	DL	Prepare for upcoming Village Council meeting; confer with officials at Village Hall; research legal issues associated with upcoming agenda; confer with Clerk regarding agenda preparation	7.1

Human Resources (Personnel)

10/1-10/31 none

Zoning and Land Use

10/31	JC	Review correspondence from counsel to Van Orsdel regarding right-of-way, opinion of title and related matters; follow-up with Delsalle and DL regarding same; respond to J. Admire	1.1
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Litigation

10/1	CR	Review/edit draft in response in opposition to petition for certiorari (VMU); research spot zoning issues; confer w/ DL	5.4
10/1	DL	Research legal issues, case law regarding review of quasi-judicial land use matters; confer with CR; analyze issues	2.9
10/2	CR	Email to DL with instructions for October 6th hearing	0.3

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October 2016/Village of Palmetto Bay

Litigation (continued)

10/3	CR	Confer with DL concerning hearing on motion to dismiss (seal case); email communications with counsel for defendant; ; review/revise settlement offer	1.1
10/3	BF	Review draft Response for Petition for Writ (VMU)	2.7
10/3	CR	Confer with E. Mehta (VMU writ); email to client re transcript; revise draft Response to incorporate Delsalle comments; review and revise draft Response again	4.0
10/4	CR	Review/revise Response for Petition for Certiorari (VMU); confer with client re transcript and review tapes; confer with BF' concerning response; confer with Delsalle concerning staff report in appendix	2.5
10/4	DL	Work on VMU issues; review zoning history of VMU	1.8
10/5	CR	Draft/revise Response Brief (VMU writ); conduct further legal research concerning issues; confer with Delsalle re exhibits; ; draft revised index to supplemental appendix	5.2
10/6	DL	Research and analysis for response to petition for writ of certiorari (VMU); study cases	3.2
10/7	CR	Review/revise Response to Petition for Certiorari (VMU writ)	0.8
10/10	CR	Continue review and revise Response brief; email with E. Mehta concerning owner request for extension	1.8
10/10	DL	Review final draft of response to Writ for Certiorari (VMU); review appendices	3.1
10/11	CR	Revise/finalize/file Response to Petition for Writ of Certiorari (VMU); confer with co-counsel concerning transcript of hearing; confer with client concerning same; confer with DL regarding final brief	5.5

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October 2016/Village of Palmetto Bay

Litigation (continued)

10/11	DL	Confer with CR regarding final response brief (VMU); review proposed final filing	1.0
10/12	CR	Review answer brief (Alexander School); begin drafting reply; review cited case law and authorities	1.7
10/12	DL	Outline final VMU response brief; prepare summary for argument	1.2
10/12	CR	Confer via email with Mehta (counsel) concerning case law; email to DL concerning same; call with Mehta (VMU)	2.8
10/13	CR	Review all briefs and motions below; draft reply brief concerning equal protection argument; confer with DL concerning arguments; research applicable law (Alexander School)	4.3
10/13	CR	Krakoski foreclosure; attend calendar call (postponed without notice; confer with opposing counsel; prepare to argue superiority of Village special assessment lien	2.9
10/14	CR	Research/draft reply brief (Alexander School); email to DL; confer with DL (Alexander School)	4.2
10/15	CR	Review briefs with DL; consider possible arguments (Alexander School)	0.7
10/15	DL	Review Alexander School Reply Brief and consider possible arguments	0.7
10/16	CR	Revise Reply Brief (Alexander School); revise and finalize Table of Contents and Table of Cases; review case cites by Appellee	1.2
10/25	CR	Email from attorney Auernacher re seal lawsuit; telephone call with DL; telephone call with Village Manager; revise discovery	1.2

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October 2016/Village of Palmetto Bay

Litigation (continued)

10/17	CR	Review Response Brief of owner (VMU Writ): compare to Village version; review minute in appendix; confer with DL; confer with E. Mehta	2.7
10/31	CR	Review Reply Brief of Burch (VMU Writ); review case law	0.6
10/31	CR	Seal case; confer with Village Manager concerning discovery response; email to attorney Auerbacher	0.2

Total Fees

Monthly total hours.....	99.9
Total fees due (@ \$190/hour.....)	\$ 18,981

Reimbursable Expenses

WestLaw computer research charge General \$308; VMU \$319).....	\$ 627
Courier services and postage (VMU case).....	\$ 88
Total Reimbursable Expenses.....	\$ 715

Total amount due (fees and expenses).....\$ 19,696

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

