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RESOLUTION NO. 2017-18

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 \$13,150 FOR PERIOD ENDING DECEMBER 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 December 31, 2016, in the amount of \$13,150; 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 \$13,150, 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 6<sup>th</sup> day of February, 2017.

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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8 Dexter W. Lehtinen  
9 Village Attorney

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12 FINAL VOTE AT ADOPTION:

13  
14 Council Member Karyn Cunningham YES

15  
16 Council Member David Singer YES

17  
18 Council Member Larissa Siegel Lara YES

19  
20 Vice-Mayor John DuBois YES

21  
22 Mayor Eugene Flinn YES

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

**December 2016**  
**Village of Palmetto Bay**

Statement Period: **December 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**

12/1	DL	Review procurement regulations; confer with BF; meet with re: pending issues	1.4
12/1	BF	Conference call with DL re: procurement	0.5
12/2	DL	Meet with Councilman-elect and Manager; prepare for meeting; meet with Manager and Clerk regarding pending issues	3.4
12/5	DL	Conference with Councilmember; meet with Manager and Clerk; prepare for Village Council meeting; attend meeting of Village Council	5.7
12/12	DL	Visit Dollar Tree and adjoining businesses to analyze towing and parking issues; meet with Mayor; research state law	2.4
12/13	CR	Research predatory towing issue; email to DL concerning same	1.8
12/14	DL	Meeting with affected parties regarding Dollar Tree towing; conference with Manager, others regarding carnival issues; attend Special Council meeting	7.8
12/21	DL	Begin drafts of possible special events ordinance, regulating Permits for different categories of special events	2.2
12/27	DL	Continue drafting special events ordinance	1.9

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

**December 2016/Village of Palmetto Bay**

**General Government (continued)**

12/29	DL	Begin drafts of public records resolution, resolution re: disclosure requirements for employees speaking with lobbyists or parties with business pending; ordinance prohibitions on certain campaign contributors from doing business with Village, cap on building permits fro DUIV zoning district, and others	4.8
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**Human Resources (Personnel)**

12/1-12/31	none		
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**Zoning and Land Use**

12/19	DL	Prepare for zoning hearing; meet with Manager and Clerk regarding various issues; attend Village Council meeting	3.3
12/22	CR	Telephone call with attorney Diaz Leyva concerning day care center; review Village code enforcement regulations for day care centers	0.6

**Litigation**

12/1	CR	Review supplemental authority regarding appeals to Circuit Court from quasi-judicial municipal hearing; decision to adopt supplemental authority	0.4
12/2	BF	Legal research regarding res judicata (revisiting) quasi-judicial decisions by local government zoning authorities (VMU)	1.5
12/5	BF	Legal research re: jurisdictional matters and administrative res judicata (VMU); receipt and review of draft notice of supplemental authority	1.9
12/6	BF	Legal research re: jurisdictional issues and res judicate (VMU)	0.7
12/7	CR	Finalize complaint (Liu code enforcement); email to A. White; telephone call to A. White; review new pictures; confer with DL	2.2
12/7	DL	Review finalized complaint for Village to sue Liu to enforcement and affirmative injunction in Circuit Court	1.4

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**Miami, Florida 33131**

**December 2016/Village of Palmetto Bay**

**Litigation (continued)**

12/7	BF	Continued legal research on jurisdictional issues and res judicata (VMU)	1.2
12/8	CR	Review lawsuit filed by Liu (code enforcement) against White and Bencomo Village employees); confer with DWL concerning same; communicate with Bencomo concerning suit and attendance at hearing	1.3
12/8	DL	Review suit filed by Liu (code enforcement); confer with CR and analyze jurisdictional issues	1.1
12/8	BF	Research re: abuse of discretion and administrative res judicata (VMU); confer with DL	2.7
12/8	DL	Research administrative res judicata re: quasi-judicial zoning hearings; discussion with BF re: same	3.3
12/9	CR	Liu (against Village re: code enforcement); research various issues; discuss issues with DL; confer and prepare motion to dismiss suit against code enforcement officers White and Bencomo	3.2
12/9	DL	Analyze issues in Liu case re: dismissal; confer with CR on content of motion to dismiss	1.6
12/12	CR	Draft/revise motion to dismiss in Liu case for Bencomo; draft/revise motion to dismiss for White	1.5
12/15	CR	Review Rudolfo Rodriguez code enforcement matter; prepare email to Bencomo	0.4
12/15	BF	Review/research quasi-judicial res judicata matters	1.1
12/15	DL	Review record of VMU quasi-judicial proceedings for VMU (VMU writ of certiorari pending case) regarding various issues	2.7
12/16	CR	Confer with Bencomo regarding enforcement of fines after Recording lis pendens	0.7

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**December 2016/Village of Palmetto Bay**

**Litigation (continued)**

12/28	DL	Prepare for oral argument in Alexander case before 3rd Dist. Ct. of Appeal (referendum requirement)	2.6
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**Total Fees**

Monthly total hours.....	67.3
<b>Total fees due (@ \$190/hour.....)</b>	<b>\$ 12,787</b>

**Reimbursable Expenses**

WestLaw computer research charge.....	\$ 296
Copy service fee for production of documents on CD.....	\$ 67
<b>Total Reimbursable Expenses.....</b>	<b>\$ 363</b>

**Total amount due (fees and expenses).....\$13,150**

DL = Dexter Lehtinen  
BF = Bob de la Fuente

CR = Claudio Riedi  
TS = Tom Schultz

JC = John Catalano