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RESOLUTION NO. 2017-23

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 \$24,642 FOR PERIOD ENDING JANUARY 31, 2017; 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 January 31, 2017, in the amount of \$24,642; 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:

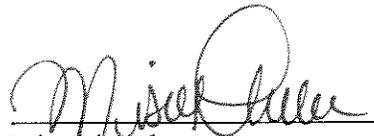
Section 1. Recitals. The above recitals are true and correct and incorporated herein by this reference.

Section 2. Approval. The statements for attorneys' fees and costs received from Lehtinen Schultz Riedi Catalano Fuente, PLLC, in the total amount of \$24,642, 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 6th day of March, 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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7 _____
8 Dexter W. Lehtinen
9 Village Attorney

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12 FINAL VOTE AT ADOPTION:

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

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

January 2017
Village of Palmetto Bay

Statement Period: **January 2017**

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

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

1/4	BF	Telephone conference call with L. Pittser regarding public records request	0.4
1/9	DL	Meetings at Village Hall with Manager and Council Members (separate from each other) regarding issues at upcoming Village Council meeting; prepare for meeting; attend Village Council meeting	9.4
1/9	BF	Conference with L. Pittser (re: garage bidding); conference with DL; reviewed materials; correspondence to client	1.7
1/10	BF	Follow-up with L. Pittser (procurement); conference call with L. Pittser; reviewed draft minutes	0.9
1/11	BF	AT&T - receipt and review of correspondence/documents from T. Hatch, AT&T General Counsel, re: permit fees; review statutes	1.3
1/12	BF	Procurement - conference call with L. Pittser. General - ROW/ utilities fee issue follow-up; further review statute; correspondence from/to AT&T General Counsel	0.8
1/13	BF	Permitting - follow-up to AT&T permitting issues vis-a-vis ROW construction	0.6
1/14	DL	Meeting at Village Hall with Manager and Council Member; prepare for Village Hall meeting; attend visioning session with Council Members at Library	5.3

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January 2017/Village of Palmetto Bay

General Government (continued)

1/17	BF	ATT - Various correspondence to/from T. Hatch (AT&T Gen. Counsel). Procurement - conference call with L. Pittser; receipt/review of draft addendum; additional conference call with L. Pittser re: same; correspondence with L. Pittser re: same	2.1
1/17	CR	Review transparency resolution; review draft ordinances regarding special events; attend sunshine meeting Flinn/Singer; attend special council meeting	5.3
1/18	DL	Attend Committee of the Whole (COW) meeting; prepare for meeting in advance	5.2
1/18	BF	Procurement - conference call with L. Pittser	0.4
1/19	DL	Meeting with Council Member and Manager at Village Hall; review issues pending	3.6
1/19	CR	Review and revise proposed resolution from M. Arocha; email to DL concerning towing issues; emails to/from M. Arocha	1.8
1/19	BF	Procurement - receipt and review correspondence from client; follow-up re: same	0.6
1/20	BF	Procurement - conference call with L. Pittser	0.4
1/21	DL	Meeting with Council Member and Manager at Village Hall; review issues and prepare for upcoming meetings	3.4
1/23	BF	AT&T permitting - receipt/review correspondence from AT&T; follow-up with Building Official	0.3
1/23	DL	Prepare for and attend Village Council Zoning Hearing (hearing continued after partial consideration)	1.9
1/24	BF	AT&T - follow-up with W. Maltby; reviewed AT&T position re: fees; conference call with W. Maltby	0.9

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January 2017/Village of Palmetto Bay

General Government (continued)

1/24	DL	Conference at Village Hall with staff regarding upcoming pending issues	2.8
1/26	DL	Meetings at Village Hall with Manager, Clerk, staff regarding preparation of resolutions, ordinances, etc	3.6
1/27	DL	Begin drafts of ordinances, resolutions, other agenda items for future Council meeting	2.9
1/29	DL	Preliminary draft of resolutions, ordinances, etc for upcoming Council meeting	3.7
1/30	DL	Confer at Village Hall; continuing drafting resolutions, ordinances, other agenda items for upcoming Council meeting	9.4
1/31	DL	Correct/clean up various drafts	2.6

Human Resources (Personnel)

1/1-1/31 none

Zoning and Land Use

1/24	JC	Review correspondence from D. Delsalle regarding issues pertaining to covenant; review correspondence from attorney for land owner; follow-up email with attachments to Delsalle and various other officials regarding finalizing covenant	1.1
1/27	JC	Analyze pending issues for covenant; revise covenant; prepare correspondence to T. Kendall regarding final approvals; communicate with attorney for landowner	1.8

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

January 2017/Village of Palmetto Bay

Litigation

1/4	CR	Prepare for motion to dismiss hearings (Liu); review code sections on appellate procedures; review file	3.2
1/5	CR	Attend [retrial on cases (Liu v. White; Liu v. Bencomo); review filings by Liu; prepare notice of hearings for Jan. 18, 2017; email to Bencomo and White; concerning result of hearings	2.8
1/6	CR	Confer with DL concerning oral argument (Alexander School)	0.2
1/12	CR	Preparation for oral argument; confer with DL (Alexander School)	2.8
1/13	DL	Review briefs for meeting with CR in preparation for oral argument (Alexander School); meet with CR; analyze cases	5.8
1/13	CR	Oral argument preparation; review case law and briefs; update for currency; review pleadings and briefs; meet with DL to prepare (Alexander School)	4.6
1/15	DL	Prepare for oral argument; outline opponents arguments and rebuttals for Village; study issues (Alexander School)	3.3
1/16	DL	Analyze all cited cases (both sides); draft oral argument notes; study all issues in preparation for oral argument in Third District Ct. of Appeal (Alexander School)	10.9
1/17	CR	Oral argument preparation with DL (Alexander School); attend oral argument before 3rd District Court of Appeal; confer with DL after argument	3.2
1/17	DL	Present oral argument at Third District Court of Appeal (Alexander School); prepare prior to oral argument; meet CR prior to argument to review final issues; confer thereafter	5.9
1/18	CR	Liu - Attend hearing on motion to dismiss Liu cases; prepare orders granting motions to dismiss; letters to Judge Graham	1.8

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January 2017/Village of Palmetto Bay

Litigation (continued)

1/20	CR	Salado litigation - research lien statute; retrieve recorded lien; draft answer to foreclosure complaint; file same	1.5
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Total Fees

Monthly total hours.....	120.2
Total fees due (@ \$200/hour).....	\$ 24,040

(Note: The hourly rate, set at \$190/hour in 2014 has been increased by Approximately 5% as of January 1, 2017. LSRCF LLC has increased its rate for all other clients by 5% in January 2015 and January 2016, but the rate for Palmetto Bay was not increased in those years. The Village Council has the discretion to reject this rate increase if the Council so wishes.)

Reimbursable Expenses

WestLaw computer research charge, at cost (Alexander School).....	\$ 387
Westlaw computer research charge, at cost (General).....	\$ 195
Courier Fee (Liu Case to Judge Graham).....	\$ 20
Total Reimbursable Expenses.....	\$ 602

Total amount due (fees and expenses).....\$24,642

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