



RESOLUTION # 2020-09

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF ENGAGEMENT WITH AKERMAN, LLP FOR THE DEFENSE OF A PETITION FOR WRIT OF CERTIORARI FILED IN THE APPELLATE COURT BY GILBERTO AND TERESA URIBE AND BANYAN COMMUNITY HEALTH CENTER, INC. D/B/A BANYAN HEALTH SYSTEMS VS CITY OF WEST MIAMI UNDER CASE NUMBER 19-341-AP-01; THE LETTER OF ENGAGEMENT INCLUDES THE DEFENSE AND/OR NEGOTIATIONS IN SAID APPELLATE CASE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Banyan Community Health Center, Inc., filed an application for a special use permit to operate a community medical health center at a property located at 6400 SW 8 Street, West Miami, Florida 33144; and

**WHEREAS**, after a public hearing, the Planning and Zoning Board recommend denial of the application for the special use permit; and

**WHEREAS**, on November 20, 2019, Banyan Community Health Center, Inc., presented its application to the City Commission who unanimously sustained the denial of the petition by the Planning and Zoning Board; and

**WHEREAS**, pursuant to the appellate rules of procedure, Banyan Community Health Center, Inc., has filed a Petition for Writ of Certiorari with the Circuit Court, Appellate Division, appealing the decision denying its application.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of West Miami as follows:

**Section 1.** The foregoing "whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption thereof.

**Section 2.** The City Mayor and City Commission of the City of West Miami has approved the engagement of Akerman LLP and its attorneys, Gerald Cope, Lorayne Perez and Jose Villalobos through a Letter of Engagement attached hereto as Exhibit A.

**Section 3.** The City Manager is hereby authorized to execute the Letter of Engagement and any other document necessary to effectuate the retention of Akerman LLP, to represent the City in the appeal of the Petition for Writ of Certiorari.

**Section 4.** This resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this **5<sup>TH</sup>** day of **FEBRUARY**, 2020.  
APPROVED:

  
\_\_\_\_\_  
**RHONDA A. RODRIGUEZ, MAYOR**

ATTEST:

  
\_\_\_\_\_  
**ANNERY GONZALEZ, CITY CLERK**

APPROVED AS TO FORM AND SUFFICIENCY:

  
\_\_\_\_\_  
**JOSE A. VILLALOBOS, CITY ATTORNEY**

ROLL CALL VOTE:

**MAYOR RHONDA A. RODRIGUEZ**  
**VICE-MAYOR LUCIANO L. SUAREZ**  
**COMMISSIONER CANDIDA BLANCA**  
**COMMISSIONER JUAN M. BLANES**  
**COMMISSIONER ERIC DIAZ-PADRON**

Y  
ABSENT  
Y  
Y  
Y

akerman

Jose A. Villalobos

Akerman LLP  
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Miami, FL 33131

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January 8, 2020

Yolanda Aguilar, City Manager  
City of West Miami  
901 S.W. 62<sup>nd</sup> Avenue  
Miami, Florida 33144

**Re: Engagement Letter / Uribe (Banyan Health) v. City of West Miami**

Dear Mrs. Aguilar:

This shall serve to confirm our understanding regarding the continued representation by Akerman of the City's interest with regard to the Writ of Certiorari filed by Gilberto and Teresa Uribe and Banyan Community Health Center, Inc. against City of West Miami in the Appellate Division of the Eleventh Judicial Circuit for Miami-Dade County, Florida.

I will continue to oversee or coordinate most of the work and serve as your primary contact with the firm along with Gerald Cope, Esq. and Lorayne Perez, Esq., and may recommend the involvement of other attorneys in the firm where such assistance would increase efficiency, quality and value. Gerald Cope's regular hourly rate is \$850.00, however, has agreed to a reduced hourly rate of \$500.00 for this matter. Jose A. Villalobos' regular hourly rate is \$800.00, however has agreed to a reduced hourly rate of \$250.00. Lorayne Perez' hourly rate is \$470.00 and has also agreed to a reduced hourly rate of \$350.00. We will bill you monthly for our efforts on your behalf on an hourly basis.

Should you have any questions regarding the foregoing, please do not hesitate to contact me.

Very truly yours,

AKERMAN LLP

By: 

Jose A. Villalobos, Esq.

JAV/mg