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RESOLUTION NO. 2011-19

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 FIGUEREDO & BOUTSIS, P.A. IN THE AMOUNT OF \$23,682.90; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Palmetto Bay approved resolution no. 02-05, authorizing payment of Village Attorney non-retainer attorneys' fees and costs; and,

WHEREAS, FIGUEREDO & BOUTSIS, P.A., submitted its statements to the village for legal services rendered, and costs advanced, for the period ending March 22, 2011, in the amount of \$23,682.90; 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. The statements for attorneys' fees and costs received from FIGUEREDO & BOUTSIS, P.A., in the total amount of \$23,682.90, copies of which are attached, are approved for payment.

Section 2. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 4th day of April, 2011.

Attest:



Meighan Alexander
Village Clerk



Shelley Stanczyk
Mayor

APPROVED AS TO FORM:



Eve A. Boutsis,
FIGUEREDO & BOUTSIS, P.A., as Office
of the Village Attorney

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FINAL VOTE AT ADOPTION:

Mayor Shelley Stanczyk	<u>YES</u>
Vice Mayor Brian W. Pariser	<u>YES</u>
Council Member Patrick Fiore	<u>YES</u>
Council Member Howard J. Tendrich	<u>YES</u>
Council Member Joan Lindsay	<u>YES</u>

FIGUEREDO & BOUTSIS, P.A.

Attorneys & Counselors

18001 Old Cutler Road - Fifth Floor

Telephone: (305) 235-9344

Miami, Florida 33157-6417

Facsimile: (305) 235-9372

March 22, 2011

Ron Williams, Village Manager
Village of Palmetto Bay
8950 SW 152nd Street
Palmetto Bay, FL 33157

Re: STATEMENTS FOR PROFESSIONAL SERVICES
The Village of Palmetto Bay

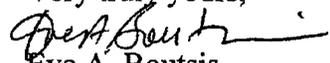
Dear Mr. Williams:

Enclosed are our invoices for professional services rendered and for costs advanced for the period ending March 22, 2011, in the amount of \$23,682.90. I have tabulated the amounts *currently due* on each individual file as follows:

Please deduct from Village Attorney Account No. 5143110, General Legal.				
0293-001	Non-Retainer Legal Services <i>Invoice No. 20222 dated 3/22/11</i>	Prof'l Services	\$	9,194.50
		Disbursements		464.20
		Total Due		9,658.70
	Total		\$	9,658.70
Please deduct from Village Attorney Account No. 5143140, Code Enforcement.				
0293-002	Zoning Application <i>Invoice No. 20223 dated 3/22/11</i>	Prof'l Services	\$	2,997.00
		Disbursements		59.94
		Total Due		3,056.94
	Total		\$	3,056.94
0293-004	Code Enforcement <i>Invoice No. 20224 dated 3/22/11</i>	Prof'l Services	\$	74.00
		Disbursements		1.48
		Total Due		75.48
0293-027	Palmer Trinity Private School vs. VPB <i>Invoice No. 20225 dated 3/22/11</i>	Prof'l Services	\$	7,159.50
		Disbursements		883.28
		Total Due		8,042.78

0293-029	<i>Palmer Trinity Private School vs. VPB- Appeal Invoice No. 20226 dated 3/22/11</i>	Prof'l Services	\$	2,849.00
		Disbursements		0.00
		Total Due		2,849.00
	Grand Total		\$	23,682.90

Do not hesitate to call me if you have any questions regarding these statements.

Very truly yours,

Eve A. Boutsis
Office of the Village Attorney

EAB/lcm
Enclosures
cc: Mayor and Village Council

**FIGUEREDO & BOUTSIS. P.A.
ATTORNEYS & COUNSELORS**

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone No.: (305) 235-9344

Facsimile: (305) 235-9372

Shelley Stanczyk
Village of Palmetto Bay
9705 E. Hibiscus Street
Palmetto Bay, Florida 33157

March 22, 2011
Matter ID: 0293-001
General Municipal-VPB
Invoice Number 20222

			Hours	Amount
2/3/2011	EAB	Meeting with Mayor Shelley Stanczyk on pending matters.	1.00	185.00
2/22/2011	EAB	Attended meeting with Mr. Ron Williams, Mr. Desmond Chin and Ms. Fanny Carmona regarding JFTA (1.0); attention to Fla. COE opinion; telephone conference with Mr. Gibbs; telephone conference with CP Patrick Fiore; communications with VM Brian Pariser and Mr. Williams; communications with CP Tendrich regarding JFTA; and revised and updated alarm code ordinance.	3.50	647.50
2/23/2011	EAB	Attention to appeal requests by Mr. Danny Woods; communications and telephone conference with Mr. Ed Silva regarding same; telephone conference with Ms. Meighan Alexander regarding shade session and agenda items; coordinated shade session and notice; and finalized memorandum to council regarding same.	1.40	259.00
2/23/2011	EAB	Drafted ordinance relating to amending Village Charter consistent with Section 6.01 of Village Charter; communications with Ms. Joan Lindsay, Mr. Williams, and Ms. Alexander regarding same.	2.50	462.50
2/23/2011	EAB	Communications with Mr. Chris Stearns regarding Wayside Park fountain matter.	0.20	37.00
2/24/2011	EAB	Analyzed charter, Village and County and JFTA and communications with Mr. Williams and Ms. Alexander; and telephone conference with Mayor Stanczyk (no charge).	1.00	185.00
3/1/2011	EAB	Meeting with Ms. Alexander on agenda items; and meeting with Mr. Williams and Ms. Alexander regarding COW, pending items, and zoning hearing items.	1.00	185.00
3/1/2011	EAB	Attention to JFTA with Mr. Williams and Ms. Alexander.	0.40	74.00
3/1/2011	EAB	Communications with Mr. Chris Stearn, Fla. League counsel regarding same; and communications with Ms. Carmona regarding same.	0.20	37.00
3/2/2011	EAB	Research of municipal codes, including Pinecrest, regarding car dealerships and "residential test drives" per request and inquiry of	1.00	185.00

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

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Mayor Stanczyk; and communications with Mayor Stanczyk regarding same and with Pinecrest Attorney, Cynthia Everett.

3/2/2011	EAB	Prepared Forman memorandum.	2.00	370.00
3/2/2011	EAB	Meeting with Ms. Alexander; and meeting with Mr. Williams and Mayor Stanczyk.	0.10	18.50
3/2/2011	EAB	Telephone conference with Pinecrest Village Attorney Cynthia Everett (.2); analyzed state law as to public schools and charter schools; and drafted resolution for Mayor Stanczyk as to charter schools.	2.20	407.00
3/2/2011	EAB	Attended COW meeting.	3.50	647.50
3/3/2011	EAB	Telephone conference with Ms. Forman and follow up with Mr. Williams regarding same.	0.50	92.50
3/3/2011	EAB	Attention to pending items; communications with Mr. Perez and Mr. Nunez.	0.60	111.00
3/4/2011	EAB	Attention to pending matters; and attention to Traumutola matter and Forman matter.	0.40	74.00
3/4/2011	EAB	Telephone conference with Mayor Stanczyk.	0.50	92.50
3/7/2011	EAB	Attention to JFTA.	0.30	55.50
3/7/2011	EAB	Attention to agenda and prepared for meeting; and telephone conference with Mr. Julian Perez on CIE.	1.00	185.00
3/7/2011	EAB	Attention to CIE matter.	0.20	37.00
3/7/2011	EAB	Meeting with Mr. Williams; meeting with Mr. Williams and Ms. Alexander; and meeting with charter officers and Mayor Stanczyk; revised resolution for Mayor Stanczyk; and telephone conference with CP Patrick Fiore.	2.50	462.50
3/7/2011	EAB	Analyzed playground safety audit report; and provided comments to staff regarding same.	0.50	92.50
3/7/2011	EAB	Attended council meeting.	2.50	462.50
3/8/2011	EAB	Attention to agenda item; and telephone conference with Ms. Alexander; revised legislative agenda resolution; meeting with Ms. Alexander; attention to public hearing - street naming item; telephone conference with Ms. Forman; and communications regarding JFTA (.4).	1.40	259.00
3/9/2011	EAB	Meeting with Ms. Carmona and Mr. Hearin; analyzed US CPSC and ANSE standards; contacted League regarding same; communications with other municipal lawyers regarding same; and provided update to Parks regarding same; and telephone conference with Ms. Carol Watson on litigation pending and on park playground standards.	3.80	703.00
3/9/2011	EAB	Meeting with Mr. Williams on pending items.	0.30	55.50

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3/9/2011	EAB	Attention to Hometown Democracy and FPL matters.	0.30	55.50
3/10/2011	EAB	Research on municode; and revised burglar alarm ordinance per direction of council, for second reading.	0.70	129.50
3/10/2011	EAB	Follow up with League on park guidelines.	0.40	74.00
3/11/2011	EAB	Attended meeting with Mr. Hearin and Ms. Carmona; meeting with AC engineer, Mr. Silva, and Ms. Carmona; meeting with Mrs. Alexander and Mr. Silva; and attention to P&Z matters.	3.50	647.50
3/14/2011	EAB	Telephone conference with Mayor Stanczyk; attention to communications by VM Pariser; telephone conference with CP Fiore; and telephone conference with Mr. Williams.	1.00	185.00
3/14/2011	EAB	Attention to state legislative agenda and attention to proposed revisions to BJH Act.	0.60	111.00
3/14/2011	EAB	Attended nonprofit and COW meetings.	3.00	555.00
3/16/2011	EAB	Attended town hall meeting.	2.00	370.00
3/17/2011	EAB	Revised garage sale ordinance.	0.60	111.00
3/21/2011	EAB	Telephone conference with Mr. Silva on pending matters.	0.60	111.00
3/21/2011	EAB	Legal research on right to privacy and photographs per request of Mayor Stanczyk.	1.50	277.50
3/21/2011	EAB	Attended charter review meeting.	1.00	185.00
				9,194.50
			Total Professional Services	9,194.50

Rate Summary

Eve A. Boutsis	49.70 hours at \$185.00/hr	9,194.50
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Total hours:	49.70	9,194.50
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Disbursements

2/28/2011	Database Legal research	252.47
3/16/2011	Parking Charge	12.00
3/16/2011	Mileage	15.84
3/22/2011	Disbursements incurred - 2.0%	183.89

Payments and Credits

3/15/2011	Check No.: 12515	8,551.56
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Sub-total Payments:	8,551.56
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Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

For Professional Services	9,194.50
For Disbursements Incurred	464.20
Current Balance:	<u>9,658.70</u>
Previous Balance:	8,551.56
Payments - Thank you	8,551.56
Total Due	<u>9,658.70</u>

To be properly credited, please indicate Invoice Number on your remittance check.

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

FIGUEREDO & BOUTSIS, P.A.
ATTORNEYS & COUNSELORS

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone No.: (305) 235-9344

Facsimile: (305) 235-9372

Shelley Stanczyk
 Village of Palmetto Bay
 9705 E. Hibiscus Street
 Palmetto Bay, Florida 33157

March 22, 2011
 Matter ID: 0293-002
 Zoning Applications
 Invoice Number 20223

			Hours	Amount
2/23/2011	EAB	Attention to South Motors matter; attention to declaration of restrictions; drafted response to questions by community with Mr. Julian Perez; and telephone conference with Mr. Simon Ferro.	1.20	222.00
2/23/2011	EAB	Prepared for and attended zoning hearing.	1.00	185.00
3/1/2011	EAB	Meeting with Mr. Perez as to close out on pending items.	2.50	462.50
3/8/2011	EAB	Attended meeting with Mr. Efren Nunez and Ms. Morelia Rodriguez on pending zoning verification issue, follow up with Mr. Damon Holness (1.5); attention to charter schools with Planner for City of Coral Gables relating to Sommerset Academy (1.5); attention to pending zoning related items items; meeting with Mr. Nunez regarding South Motors; and communications with Mr. Simon Ferro and Mr. Rick Lujan.	4.00	740.00
3/9/2011	EAB	Communications with Mr. Lujan; telephone conference with Mr. Ferro; telephone conference with Mr. Nunez; attention to notice radius; and telephone conference with Mr. Williams.	0.80	148.00
3/11/2011	EAB	Attention to South Motors matter.	0.30	55.50
3/15/2011	EAB	Communications with Mr. Holness; and analyzed Building file for Exxon Mobile Site.	0.60	111.00
3/16/2011	EAB	Meeting with Miami-Dade County Planning Zoning & Zoning Department regarding pending zoning verification matter; and attended by Mr. Nunez; meeting with Mr. Craig Collier.	3.00	555.00
3/18/2011	EAB	Follow up with Mr. Silva as to CU and as to resident concerns regarding South motors.	0.40	74.00
3/21/2011	EAB	Meeting with Parkside representatives, Mr. Williams, Ms. Corrice Patterson, and Mr. Nunez.	2.00	370.00
3/22/2011	EAB	Attention to cell tower matter with Mr. Jerry Proctor.	0.40	74.00

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CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

Total Professional Services	2,997.00
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Rate Summary

Eve A. Boutsis	16.20 hours at \$185.00/hr	2,997.00
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Total hours:	16.20	2,997.00
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3/22/2011	Disbursements incurred - 2.0%	59.94
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Payments and Credits

3/15/2011	Check No.: 12515	9,944.49
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Sub-total Payments:	9,944.49
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For Professional Services	2,997.00
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For Disbursements Incurred	59.94
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Current Balance:	3,056.94
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Previous Balance:	9,944.49
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Payments - Thank you	9,944.49
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Total Due	3,056.94
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To be properly credited, please indicate Invoice Number on your remittance check.

**FIGUEREDO & BOUTSIS, P.A.
ATTORNEYS & COUNSELORS**

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone No.: (305) 235-9344

Facsimile: (305) 235-9372

Shelley Stanczyk
Village of Palmetto Bay
9705 E. Hibiscus Street
Palmetto Bay, Florida 33157

March 22, 2011
Matter ID: 0293-004
Code Enforcement
Invoice Number 20224

			Hours	Amount
3/11/2011	EAB	Attention to special master agenda and communication with staff regarding same.	0.40	74.00
Total Professional Services				74.00

Rate Summary

Eve A. Boutsis	0.40 hours at \$185.00/hr	74.00
Total hours:		0.40
		74.00

3/22/2011	Disbursements incurred - 2.0%	1.48
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Payments and Credits

3/15/2011	Check No.: 12515	660.45
Sub-total Payments:		660.45

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

For Professional Services	74.00
For Disbursements Incurred	1.48
Current Balance:	<u>75.48</u>
Previous Balance:	660.45
Payments - Thank you	660.45
Total Due	<u>75.48</u>

To be properly credited, please indicate Invoice Number on your remittance check.

FIGUEREDO & BOUTSIS, P.A.
Attorneys & Counselors

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone: (305) 235-9344

Facsimile: (305) 235-9372

Eugene P. Flinn, Jr.
8950 SW 152nd Street
Palmetto Bay, Florida 33157

March 22, 2011
Matter ID: 0293-027
Palmer Trinity Private School,

Invoice Number 20225

			Hours	Amount
3/1/2011	EAB	Communications with Mr. Cleary.	0.30	55.50
3/9/2011	EAB	Attention to responses to second request for production; telephone conference with CP Patrick Fiore; telephone conference with CP Howard Tendrich; and telephone conference with Mr. Tucker Gibbs.	0.80	148.00
3/10/2011	EAB	Communications with Mr. Cleary and council; follow up on litigation.	0.40	74.00
3/10/2011	EAB	Telephone conference with VM Brian Pariser and Mr. Ron Williams; extended conversation with Mr. Cleary; telephone conference with CP Tendrich; and update to Village Council and Village Manager.	1.70	314.50
3/14/2011	EAB	Attention to community outreach; telephone conference with Mr. Gibbs; and attention to 3rd Interrogatory responses by Palmer Trinity.	1.00	185.00
3/14/2011	EAB	Research relating to 768.28, Fla. Stat.	2.00	370.00
3/15/2011	EAB	Research and drafting of memorandum of law; communications with VM Pariser; and telephone conference with Mr. Williams.	3.00	555.00
3/16/2011	EAB	Telephone conferences with Mr. Stanley Price; and telephone conference with Mr. Gibbs, conducted legal research; telephone conference with individual council persons; and telephone conference with Fla. League.	8.00	1,480.00
3/17/2011	EAB	Research as to due process - substantive and procedural; communications with Mr. Price; telephone conference with Mr. Williams; attention to DERM permit; telephone conference with VM Pariser; telephone conference with Mayor Shelley Stanczyk; follow up with Mr. Price; and telephone conference with Mr. Gibbs.	5.50	1,017.50
3/18/2011	EAB	Legal research relating to appellate review; several extended telephone conference with Mr. Gibbs; attention to public record request by Mr. Gibbs; communications with Council as to disclosures; communications with Council members; telephone conference with Mayor Stanczyk; telephone conference with Mr. Nunez and Mr. Williams; communications with Mr. Price; and continued legal research and drafting of memorandum.	8.50	1,572.50

Payment is due upon receipt. Please notify us within 10 days of receipt of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

3/21/2011	EAB	Continued legal research; communications with municipal attorneys; telephone conference with CA City of Miami, Miami Beach, Cutler Bay, Homestead, Pinecrest and several others; telephone conference with Mayor Stanczyk; communications with Council; and drafted memorandum; communications with VM Pariser; telephone conference with Mr. Gibbs; communications with Mr. Price; communications with staff; and meeting with Mr. Williams.	7.00	1,295.00
3/22/2011	EAB	Attention to hearing on sanctions; communications with council members regarding same.	0.50	92.50
			Total Professional Services	7,159.50

Rate Summary

Eve A. Boutsis	38.70 hours at \$	185.00/hr	7,159.50
Total hours:			38.70

Expenses

2/28/2011	Database Legal research	672.53
3/18/2011	Photocopies	151.43
3/22/2011	Photocopies	59.32
Sub-total Expenses:		883.28

Payments

3/15/2011	Payment	Check No.: 12515	280.64
Sub-total Payments:			280.64

Payment is due upon receipt. Please notify us within 10 days of receipt of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

Figueredo Boutsis & Montalvo,

Matter ID: 0293-027 Statement No.: 20225

Page: 3

For Professional Services	7,159.50
For Disbursements Incurred	883.28
Current Balance:	<hr/> 8,042.78
Previous Balance:	280.64
Payments - Thank you	280.64
Total Due	<hr/> 8,042.78

Invoice Number: 20225

To be properly credited, please indicate Invoice Number above on your remittance check.

Payment is due upon receipt. Please notify us within 10 days of receipt of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

FIGUEREDO & BOUTSIS, P.A.

Attorneys & Counselors

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone: (305) 235-9344

Facsimile: (305) 235-9372

Shelley Stanczyk
9705 E. Hibiscus Street
Palmetto Bay, Florida 33157

March 22, 2011
Matter ID: 0293-029
Palmer Trinity v. VPB - Appeal

Invoice Number 20226

			Hours	Amount
2/23/2011	EAB	Telephone conference with VM Brian Pariser; and telephone conference with CP Howard Tendrich.	0.30	55.50
3/1/2011	EAB	Telephone conference with Mr. Stanley Price; telephone conference with Mr. Tucker Gibbs; telephone conference with C.P. Joan Lindsay.	1.00	185.00
3/1/2011	EAB	Prepared for and attended attorney client session; and telephone conference with Mayor Shelley Stanczyk.	1.00	185.00
3/2/2011	EAB	Communications with Mr. Price and Ms. Eileen Mehta; telephone conference with Mr. Ron Williams; and coordinated settlement meeting with Mr. Joe Kalbac.	0.40	74.00
3/3/2011	EAB	Communications with Mr. Kalbac and Mr. Williams.	0.40	74.00
3/4/2011	EAB	Attended settlement discussion with Mr. Kalbac, Mr. Sean Murphy and Mr. Williams (2.5); telephone conference with Mr. Gibbs; and follow up with Mr. Kalbac and communications with council regarding same.	3.30	610.50
3/22/2011	EAB	Continued research; communications with Mr. Price; analyzed Resolution 2010-48 and zoning analysis issued on 5-4-2010; telephone conference with Mr. Williams; provided direction to Mr. Williams; communications with Mr. Nunez and Ms. Alexander; communications with VM Pariser; and attention to Jennings.	3.00	555.00
3/22/2011	EAB	Attended extensive meeting with Mr. Williams, including telephone conference with VM Pariser; meeting with Mr. Williams, Ms. Cadaval and Mr. Nunez; meeting with Ms. Alexander; and telephone conference with Mr. Gibbs.	3.00	555.00
3/22/2011	EAB	Finalized work product memorandum.	3.00	555.00
			Total Professional Services	2,849.00

Rate Summary

Eve A. Boutsis 15.40 hours at \$ 185.00/hr 2,849.00

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Figueredo Boutsis & Montalvo,

Matter ID: 0293-029 Statement No.: 20226

Page: 2

Total hours: 15.40

Payments

3/15/2011	Payment	Check No.: 12515	869.50
		Sub-total Payments:	<u>869.50</u>

For Professional Services	2,849.00
For Disbursements Incurred	0.00
Current Balance:	<u>2,849.00</u>
Previous Balance:	869.50
Payments - Thank you	869.50
Total Due	<u>2,849.00</u>

Invoice Number: 20226

To be properly credited, please indicate Invoice Number above on your remittance check.

Payment is due upon receipt. Please notify us within 10 days of receipt of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.