

RESOLUTION NO. 05-22

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 NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$15,539.38; 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, Nagin Gallop Figueredo, P.A., submitted its statements to the village for legal services rendered, and costs advanced, for the period ending March 28, 2005, in the amount of \$15,539.38; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

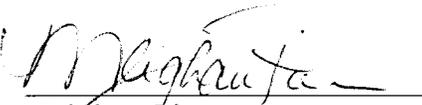
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

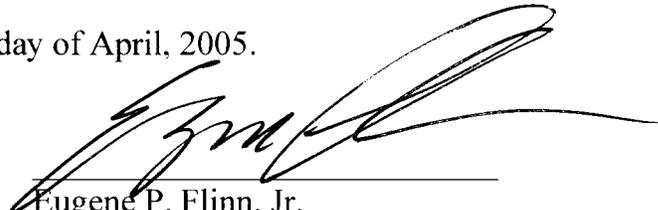
Section 1. The statements for attorneys' fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$15,539.38, copies of which are attached, are approved for payment.

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

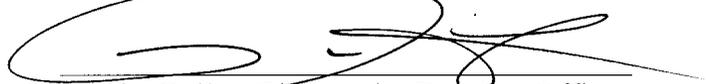
PASSED and ADOPTED this 11th day of April, 2005.

Attest:


Meighan Pier
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


Nagin Gallop Figueredo, P.A., as Office
of the Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>YES</u>
Council Member Paul Neidhart	<u>YES</u>
Council Member John Breder	<u>YES</u>
Vice-Mayor Linda Robinson	<u>YES</u>
Mayor Eugene P. Flinn, Jr.	<u>ABSENT</u>

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

3225 Aviation Avenue - Third Floor
Miami, Florida 33133-4741
Telephone: (305) 854-5353 *Facsimile:* (305) 854-5351

April 1, 2005

Charles D. Scurr, 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. Scurr:

Enclosed are our statements for professional services rendered and for costs advanced for the period ending March 28, 2005. The amounts due are as follows:

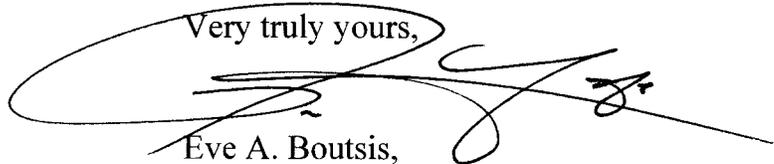
0293-001	Non-Retainer Legal Services <i>Statement No. 17239 dated 3/28/05</i>	Prof'l Services	\$	10,560.00
		Disbursements		221.01
		Total		10,781.01
0293-002	Zoning Applications <i>Statement No. 17240 dated 3/28/05</i>	Prof'l Services	\$	1,387.50
		Disbursements		0.00
		Total		1,387.50
0293-004	Code Enforcement <i>Statement No. 17271 dated 3/28/05</i>	Prof'l Services	\$	1,517.00
		Disbursements		0.00
		Total		1,517.00
0293-005	Real Property <i>Statement No. 17243 dated 3/28/05</i>	Prof'l Services	\$	388.50
		Disbursements		0.00
		Total		388.50

Letter to Charles D. Scurr, Village Manager
April 1, 2005
Page 2 of 2

0293-007	Old Cutler Presbyterian Church <i>Statement No. 17244 dated 3/28/05</i>	Prof'l Services	\$	999.00
		Disbursements		105.32
		Total		1,104.32
0293-009	Palmetto Bay Foundation, Inc. <i>Statement No. 17246 dated 3/28/05</i>	Prof'l Services	\$	0.00
		Disbursements		75.24
		Total		75.24
0293-010	Hurst v. Village of Palmetto Bay <i>Statement No. 17247 dated 3/28/05</i>	Prof'l Services	\$	277.50
		Disbursements		8.31
		Total		285.81
TOTAL CURRENTLY DUE				\$ 15,539.38

Please 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/blr

Enclosures

cc: Mayor and Village Council

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

3225 Aviation Avenue, Suite 301

Miami, Florida 33133

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Facsimile: (305) 854-5351

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

March 28, 2005
Matter ID: 0293-001
General Municipal

Statement No. 17239

			Hours	Amount
2/24/2005	EAB	Telephone conference with Ms. Meighan Pier regarding code violations and required notices for upcoming hearing; and attention to park certification for grant application.	0.20	37.00
2/25/2005	EAB	Telephone conference with Mr. Charles Scurr and mayor Eugene Flinn; telephone conference with Mr. Jerry Proctor regarding CDMP; attention to Alemar project, letter by Mr. Proctor regarding Alemar; and attention to correspondence by MDCSB regarding draft development agreement; telephone conference with Mr. Raul Rodriguez regarding subpoena for documents; revised draft zoning notice ordinance; and telephone conference with Mr. Peter Capua regarding Magdalena Capua code violations.	1.70	314.50
2/28/2005	EAB	Telephone conference and email communications with Ms. Weintraub regarding ordinance adopting CDMP; analyzed FAC 9j-11; telephone conference with Mr. Rodriguez regarding notice of lien for code enforcement violations; attention to Alemar inquiry by Ms. Arleen Weintraub; and forwarded authorization to proceed with hearing on Alemar due to assignment by principals.	0.70	129.50
3/1/2005	EAB	Telephone conference with mayor Flinn regarding slip and fall litigation.	0.30	55.50
3/4/2005	EAB	Attention to CDMP question raised by mayor Flinn; telephone conference with Ms. Judy Miller regarding same; telephone conference with Mr. Capua regarding Gager property; telephone conference with Mr. Rodriguez regarding same; analyzed agenda in anticipation of upcoming CDMP and commission meeting.	1.00	185.00
3/7/2005	EAB	Prepared for and attended council meeting; telephone conference with Mr. Tucker Gibbs regarding OCPC; and drafted OCPC update memorandum to village council.	6.70	1,239.50
3/8/2005	EAB	Telephone conference with mayor Flinn regarding pending items and after action discussion of council meeting; and attention to park policy and other village policies.	1.40	259.00
3/9/2005	EAB	Attention to plat notice requirements issue raised by Ms. Pier;	0.70	129.50

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.

		e-mail communication with Mr. Proctor regarding library parking lot; attention to Alemar application and e-mail communications with Ms. Miller; prepared annual report for non-profit; and e-mail communications with Ms. Ana Garcia regarding park policy.		
3/9/2005	EAB	Analyzed and provided comments on proposed architectural contract.	2.50	462.50
3/10/2005	EAB	E-mail communications with Mr. Proctor regarding parking lot dedication; meeting with Ms. Pier regarding special council meeting; telephone conference with council member Neidhart; meeting with Ms. Miller and Ms. Pier regarding notice requirements on certain agenda items; meeting with Ms. Garcia regarding park policies; meeting with Ms. Miller regarding Alemar property; revised park policies; and provided comments on VPB minutes to be adopted at up coming council meeting.	3.70	684.50
3/11/2005	LRF	Conference with Ms. Eve Boutsis regarding Storm Water Utility Research; and meeting with Ms. Boutsis and mayor Eugene Flinn.	2.40	444.00
3/11/2005	EAB	Telephone conferences with Mr. Scurr regarding pending items; email and telephone conference with Ms. Miller regarding pending projects; and telephone conference with Mr. Proctor regarding parking easement for library.	1.00	185.00
3/11/2005	EAB	Legal research of Chapter 403, Fla. Stat., application of storm water regulations, and application of storm water utility ordinances and review of calculation of fees; telephone conference with Ms. Cynthia Everett, counsel for PIncrest regarding Pinecrest ordinance; and provided analysis to VPB.	3.50	647.50
3/11/2005	EAB	Meeting with mayor Flinn.	2.00	370.00
3/14/2005	EAB	Analyzed draft Signage Program Interlocal agreements; and provided comments to Mr. Ron Williams and Mr. Scurr.	0.40	74.00
3/15/2005	EAB	Attention to special master hearing and issues related thereto; telephone conference with Mr. Rodriguez; telephone conference with mayor Flinn regarding P&Z meeting and sign regulations; email communications with Ms. Weintraub and mayor regarding pending ordinance creation; and telephone conference with Mr. Scurr regarding pending items.	1.00	185.00
3/16/2005	EAB	Received update on special master hearings; and prepared e-mail to code enforcement staff and special master regarding policies, procedures, and handling of future meetings.	1.00	185.00
3/16/2005	EAB	Attended meeting with Ms. Miller and Ms. Weintraub regarding drafting of LDC; and attended COW meeting.	5.00	925.00
3/17/2005	EAB	Meeting with Ms. Nakia Henry and follow up on code enforcement related items; telephone conference with Ms. Miller on pending variance request; and email communication with Ms. Diane O'Quinn Williams regarding the variance request issue.	0.30	55.50

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Nagin Gallop Figueredo P.A.**Matter ID: 0293-001 Statement No.: 17239****Page: 3**

3/18/2005	EAB	Analyzed architectural contract and attended conference call with Ms. Olga Cadaval, Mr. Scurr, Ms. Garcia and Mr. Jim Piersol; re-scheduled meeting with P&Z staff re: code; telephone conference with mayor Flinn regarding FPL lines issue; and attention to special master issue.	1.00	185.00
3/20/2005	EAB	Telephone conference with mayor Flinn and attention to issues discussed with mayor Flinn on pending items.	1.00	185.00
3/21/2005	EAB	Analyzed draft architectural agreements; and began drafting master architectural agreement with Wolfberg Alvarez.	2.00	370.00
3/22/2005	EAB	Telephone conference with Mr. Piersol, Mr. Scurr, Ms. Garcia, and Ms. Cadaval regarding library architectural services; edited draft agreement to contain recommendations of staff and Mr. Piersol; telephone conference with Mr. Scurr and mayor Flinn regarding mitigation; and attention to parks ordinance; and completed edits to draft architectural agreements.	3.70	684.50
3/23/2005	EAB	Attended meeting with Mr. Scurr, Mr. Acin, Ms. Cadaval and assistant county managers and staff regarding parks, library and mitigation.	2.00	370.00
3/23/2005	EAB	Meeting with Ms. Weintraub and Ms. Miller, and telephone conference with Mr. Jorge Vera regarding LDC; received LDC assignments; and attention to declaration of restrictions issue on pending zoning application.	2.50	462.50
3/24/2005	EAB	Drafted response village counsel audit response letter regarding pending litigation.	1.30	240.50
3/24/2005	EAB	Analyzed and provided comments to Mr. Williams and Ms. Corrice Patterson regarding Kimley-Horn drainage construction draft bid, contract, etc; attention to parks master plan, B&A proposal and provided comments to Ms. Garcia on B&A proposal and Construction Manager at Risk bid; analyzed proposed road sign interlocal agreement and provided comments to Mr. Williams; E-mail communications with Mr. Piersol, and village staff on draft architectural contract; revised Wolfberg contract using Mr. Piersol's comments; requested further direction from VPB staff as to several of Mr. Piersol's comments and proposed contract revisions; and telephone conference with mayor Flinn regarding line clearing ordinance; email communications with Ms. Liz Hernandez regarding same.	2.90	536.50
3/25/2005	EAB	Attention to draft LDC definitions; began analysis of MDC definitions and provided comments to staff.	2.00	370.00
3/25/2005	EAB	Telephone conference with and email communications with Ms. Hernandez; and e-mail communications with mayor Flinn regarding pending items, including draft line clearing ordinance.	0.30	55.50
3/25/2005	SS	Received assignment from Ms. Boutsis; created LDC matrix chart at Ms. Boutsis' request comparing chapter definitions from the	8.20	533.00

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codes of Coral Gables, City of Aventura, and City of Miami Beach to proposed village code; and forwarded chart to Ms. Boutsis for here review.

Total Professional Services 10,560.00

Rate Summary

Luis R. Figueredo	2.40 hours at \$185.00/hr	444.00
Eve A. Boutsis	51.80 hours at \$185.00/hr	9,583.00
Susan Snavelly	8.20 hours at \$ 65.00/hr	533.00

Total hours: 62.40

Expenses

	Mileage	4.68
	Legal research	147.23
	Long distance telephone charge	0.19
	Telefacsimile charge	0.00
	Postage Charge	11.16
2/25/2005	Outside copy job	57.75
	Sub-total Expenses:	<hr/> 221.01

For Professional Services	10,560.00
For Disbursements Incurred	221.01
	<hr/>
Current Balance:	10,781.01
Previous Balance:	34,270.20
Payments - Thank you	0.00
	<hr/>
Total Due	45,051.21

To be properly credited, please indicate Statement Number 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.

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

3225 Aviation Avenue, Suite 301

Miami, Florida 33133

Telephone: (305) 854-5353

Facsimile: (305) 854-5351

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

March 28, 2005
Matter ID: 0293-002
Zoning Applications
Statement No. 17240

			Hours	Amount
2/24/2005	EAB	Attention to Alemar project and correspondence from Mr. Jerry Proctor, counsel for purchaser of Alemar site.	0.20	37.00
3/14/2005	EAB	Prepared for and attended zoning hearing; and telephone conference with mayor Flinn regarding zoning hearing; and telephone conferences with staff regarding deferral and zoning code.	4.00	740.00
3/21/2005	EAB	Telephone conference with applicant and staff regarding waiver of plat matter; attention to Milian request; e-mail communications with Ms. Diane O'Quinn Williams regarding Milian matter; and telephone conference with Ms. Arleen Weintraub regarding LDC meeting and Milian matter.	1.00	185.00
3/28/2005	EAB	Analyzed folio 33-5032-004-2480, et seq. regarding pending applications and zoning compliance; e-mail communications with applicant, Ms. Weintraub and staff regarding same; drafted staff cover memorandum on Alemar project; and finalized resolution.	2.30	425.50
			Total Professional Services	1,387.50

Rate Summary

Eve A. Boutsis 7.50 hours at \$185.00/hr 1,387.50

Total hours: 7.50

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For Professional Services	1,387.50
For Disbursements Incurred	0.00
Current Balance:	<u>1,387.50</u>
Previous Balance:	20,981.18
Payments - Thank you	0.00
Total Due	<u>22,368.68</u>

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

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

March 28, 2005

Matter ID: 0293-003

Comprehensive Plan

Statement No. 17241

For Professional Services	0.00
For Disbursements Incurred	0.00
Current Balance:	<u>0.00</u>
Previous Balance:	462.50
Payments - Thank you	0.00
Total Due	<u>462.50</u>

To be properly credited, please indicate Statement Number 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.

NAGIN GALLOP FIGUEREDO^{PA.}

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Facsimile: (305) 854-5351

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

March 28, 2005
Matter ID: 0293-004
Code Enforcement
Statement No. 17271

			Hours	Amount
3/14/2005	NDH	Reviewed case histories and agenda.	2.00	370.00
3/15/2005	NDH	Meeting prior to special master hearings with code enforcement officer Mr. Alan White re: code enforcement violations and background history; attended special master hearing; and brief conference with staff re: issuance of administrative fees, etc.	4.50	832.50
3/16/2005	NDH	Brief meeting with Ms. Eve Boutsis re: issues that arose during past special master hearing, including administrative fees, untimely appeals, proper provision re: abandoned vehicles on private property, the imposition of fines and compliance dates, etc. [0.70]; researched the appropriate citation for an abandoned vehicle on residential property; prepared e-mail re: the same; e-mailed research to Mrs. Ginger Roy to forward to code enforcement officers. [.70]; prepared e-mail to Mr. Doody re: the imposition of fines and imposing a compliance date upon a resident within a set time frame; and e-mailed the same to Mr. Doody, Mr. Scurr, and Ms. Boutsis. [.30].	1.70	314.50
			Total Professional Services	1,517.00

Rate Summary

Nakia D. Henry	8.20 hours at \$185.00/hr	1,517.00
Total hours: 8.20		

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For Professional Services	1,517.00
For Disbursements Incurred	0.00
Current Balance:	<u>1,517.00</u>
Previous Balance:	74.00
Payments - Thank you	0.00
Total Due	<u>1,591.00</u>

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

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NAGIN GALLOP FIGUEREDO^{PA}

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Miami, Florida 33133

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

March 28, 2005
Matter ID: 0293-005
Real Property
Statement No. 17243

			Hours	Amount
3/10/2005	LRF	Conference with Ms. Eve Boutsis regarding pending Publix Park project and Library parking agreement.	0.40	74.00
3/10/2005	EAB	Telephone conference with Mr. Walter Engle and Ms. Karcher of Publix regarding park transfer; telephone conference with Mr. Jerry Proctor regarding parking lot easement for library project; analyzed Section 33-303, MDCC; and provided update to VPB council.	1.00	185.00
3/14/2005	EAB	Attention to PB Village Center easement agreement and regulation 33-303, MDCC; and e-mail communications with staff regarding same.	0.40	74.00
3/25/2005	EAB	Telephone conference with Ms. Tonya Karcher regarding draft transfer agreement for Publix park land; e-mail communications with Village Council regarding update on Publix; and e-mail communication with Mr. Proctor regarding library parking easement and draft document.	0.30	55.50
				388.50
			Total Professional Services	388.50

Rate Summary

Luis R. Figueredo	0.40 hours at \$185.00/hr	74.00
Eve A. Boutsis	1.70 hours at \$185.00/hr	314.50
Total hours:		2.10

Expenses

Telefacsimile charge	0.00
Sub-total Expenses:	0.00

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For Professional Services	388.50
For Disbursements Incurred	0.00
Current Balance:	<u>388.50</u>
Previous Balance:	2,073.09
Payments - Thank you	0.00
Total Due	<u>2,461.59</u>

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

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NAGIN GALLOP FIGUEREDO^{PA}

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

March 28, 2005
Matter ID: 0293-007
Old Cutler Presby. Church
Statement No. 17244

			Hours	Amount
2/24/2005	EAB	Telephone conference with Ms. Yudie Piniero of the Miami Herald regarding OCPC decision on certiorari action; completed revisions; and filing of motion to dismiss declaratory complaint.	4.70	869.50
2/25/2005	EAB	Drafted section 57.105, F.S. letter to Mr. Gibbs.	0.30	55.50
2/28/2005	EAB	Meeting with Mr. Tucker Gibbs; and telephone conference with Mr. Gary Alan Ruse of Community News regarding appellate decision on OCPC.	0.40	74.00
				<hr/>
			Total Professional Services	999.00

Rate Summary

Eve A. Boutsis 5.40 hours at \$185.00/hr 999.00

Total hours: 5.40 999.00

Disbursements

3/16/2005	Legal research	63.81
3/16/2005	Legal research	5.54
3/21/2005	Courier charge	15.05
3/28/2005	Disbursements incurred - 3.0%	20.92

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For Professional Services	999.00
For Disbursements Incurred	105.32
	<hr/>
Current Balance:	1,104.32
Previous Balance:	13,647.38
Payments - Thank you	0.00
	<hr/>
Total Due	14,751.70

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

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Eugene P. Flinn, Jr.

March 28, 2005

Mayor

Matter ID: 0293-008

Village of Palmetto Bay

Doug DeWhitt - EEOC Claim

8950 SW 152nd Street

Statement No. 17245

Palmetto Bay, Florida 33157

For Professional Services	0.00
For Disbursements Incurred	0.00
Current Balance:	<u>0.00</u>
Previous Balance:	1,366.86
Payments - Thank you	0.00
Total Due	<u>1,366.86</u>

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

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

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Miami, Florida 33133

Telephone: (305) 854-5353

Facsimile: (305) 854-5351

March 28, 2005

Matter ID: 0293-009

Palmetto Bay Foundation, Inc.

Statement No. 17246

Eugene P. Flinn, Jr.

Mayor

Village of Palmetto Bay

8950 SW 152nd Street

Palmetto Bay, Florida 33157

Expenses

	Postage Charge	0.74
	Photocopies	1.50
	Telefacsimile charge	3.00
3/9/2005	Annual Report Fee	70.00
	Sub-total Expenses:	<u>75.24</u>
	For Professional Services	0.00
	For Disbursements Incurred	75.24
	Current Balance:	<u>75.24</u>
	Previous Balance:	93.24
	Payments - Thank you	0.00
	Total Due	<u>168.48</u>

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

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

March 28, 2005
Matter ID: 0293-010
Hurst v. Village of Palmetto Bay
Statement No. 17247

			Hours	Amount
2/24/2005	EAB	E-mail communications with Mr. Rick McDuff regarding new lawsuit and follow up with village staff on preparing draft responses to discovery requests.	0.30	55.50
3/8/2005	EAB	E-mail communications with Mr. McDuff and staff regarding pending discovery requests.	0.30	55.50
3/10/2005	EAB	Meeting with Ms. Ana Garcia regarding Hurst claim; provided direction to special litigation counsel on discovery requests; and follow up with Mr. McDuff and staff on obtaining documents.	0.60	111.00
3/15/2005	EAB	Attention to request by special litigation counsel regarding site review and questioning of staff; and coordinated same.	0.30	55.50
				<hr/>
			Total Professional Services	277.50

Rate Summary

Eve A. Boutsis	1.50 hours at \$185.00/hr	277.50
		<hr/>
Total hours:	1.50	

Expenses

	Postage Charge	1.89
3/11/2005	Outside copy job	6.42
		<hr/>
Sub-total Expenses:		8.31

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For Professional Services	277.50
For Disbursements Incurred	8.31
Current Balance:	<hr/> 285.81
Previous Balance:	0.00
Payments - Thank you	0.00
Total Due	<hr/> 285.81

To be properly credited, please indicate Statement Number 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.