

RESOLUTION NO. 06-42

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 \$17,259.51; 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 April 25, 2006, in the amount of \$17,259.51; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

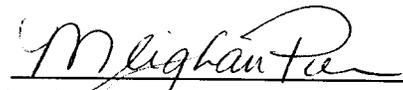
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

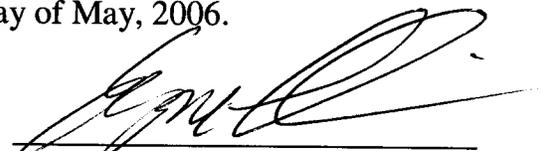
Section 1. The statements for attorneys' fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$17,259.51, copies of which are attached, are approved for payment.

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

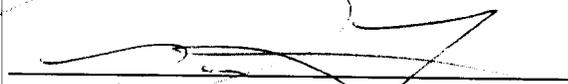
PASSED and ADOPTED this 15th day of May, 2006.

Attest:


Meighan Pier
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


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

FINAL VOTE AT ADOPTION:

Council Member Ed Feller YES

Council Member Paul Neidhart YES

Council Member John Breder YES

Vice-Mayor Linda Robinson YES

Mayor Eugene P. Flinn, Jr. YES

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

18001 Old Cutler Road – Suite 556
Telephone: (305) 854-5353 Miami, Florida 33157-6416 Facsimile: (305) 854-5351

April 26, 2006

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 April 25, 2006. The amounts due are as follows:

0293-001	Non-Retainer Legal Services <i>Statement No. 18445 dated 4/25/06</i>	Prof'l Services	\$	10,600.50
		Disbursements		704.19
		Total		11,304.69
0293-002	Zoning Applications <i>Statement No. 18446 dated 4/25/06</i>	Prof'l Services	\$	4,884.00
		Disbursements		165.06
		Total		5,049.06
0293-004	Code Enforcement <i>Statement No. 18447 dated 4/25/06</i>	Prof'l Services	\$	888.00
		Disbursements		17.76
		Total		905.76
	TOTAL CURRENTLY DUE		\$	17,259.51

Letter to Charles D. Scurr, Village Manager
April 26, 2006
Page 2 of 2

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'Eve A. Boutsis', written in a cursive style.

Eve A. Boutsis,
Office of the Village Attorney

EAB/blr

Enclosures

cc: Mayor and Village Council

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

18001 Old Cutler Road, Suite 556 Miami, Florida 33157
Telephone: (305) 854-5353 Facsimile: (305) 854-5351

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

April 25, 2006
Matter ID: 0293-001
General Municipal
Invoice Number 18445

			Hours	Amount
3/20/2006	LRF	Meeting with Eve A. Boutsis, Ms. Arleen Weintraub and architects for Old Cutler Inn. [no charge]	1.50	0.00
3/28/2006	LRF	Reviewed County charter regarding leases for concessions in public parks. Conference with Ms. Boutsis regarding applicability to Jane Forman contract.	0.80	148.00
3/28/2006	EAB	Drafted O'Leary continuing services agreement, provided comments and revisions per discussions with O'Leary firm; telephone conference with Ms. Corrice Patterson regarding same; began drafting Stormwater Utility Ordinance; prepared special master resolution; telephone conference with Ms. Meighan Pier regarding agenda items; telephone conference with Mr. Charles Scurr and Ms. Ana Garcia regarding pending items; telephone conference with Ms. Forman regarding plans for tennis center; and drafted memorandum on Forman, and resolution.	4.00	740.00
3/29/2006	EAB	Telephone conferences with Mr. Scurr; telephone conference with Ms. Forman; telephone conference with Ms. Dee Del Castillo; analyzed draft stormwater utility ordinance; analyzed chapter 24, MDC Code; and Florida Statutes regarding storm water utilities revised the ordinance regarding same; drafted S.A. ordinance and memorandum; and drafted special master memorandum.	4.50	832.50
3/30/2006	EAB	Red-lined charter to reflect proposed amendments; revised same; research on quorum related issued; e-mail communications with CRC regarding quorum, voting, Roberts Rules; and prepared charter amendment questions.	4.40	814.00
3/30/2006	EAB	Analyzed litigation history and files of village vendors; provided analysis of same to village staff; drafted letter to Total Bank regarding parking lot use for PB Commons; and e-mail communications with Mayor Eugene Flinn and Mr. Scurr in D.C. and pending items.	2.00	370.00
3/30/2006	EAB	Telephone conferences with Ms. Del Castillo of MDC Attorney's office; and finalized memorandum, resolution, and contract for Jane Forman Tennis Academy, Inc.	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.

3/31/2006	EAB	Telephone conference with Ms. Debbie Turner regarding Vendor inquiry.	0.20	37.00
3/31/2006	EAB	E-mail and telephone conferences with mayor and Mr. Scurr regarding Publix, Forman, D.C., mitigation, and pending items; drafted noncompete language; revised Forman first addendum to include noncompete language; and telephone conference with Ms. Cadaval regarding agenda and lighting software for parks.	1.00	185.00
3/31/2006	EAB	Telephone conference with Mr. Scurr regarding agenda.	0.30	55.50
4/3/2006	EAB	Analyzed agenda in anticipation of upcoming meeting; telephone conference with Mr. Ron Williams regarding vendor lists and background checks; analyzed chapter 18, MDC Code; telephone conference with Mr. Williams regarding special taxing districts; attention to Total Bank item; finalized general release; attention to Forman matter; telephone conference with Ms. Pier regarding agenda items; telephone conference with Ms. Weintraub; attention to charter revision recommendation of village manager; telephone conference with Ms. Turner and Mr. Tim Henstry regarding C3RS; email communications with CRC members and drafted village clerk ballot question; and drafted resolution regarding funding of CHI.	4.00	740.00
4/3/2006	EAB	Telephone conference with Dr. Feller regarding agenda items [.2 no charge]; telephone conferences with Mr. Robert Rossano regarding Forman matter; telephone conference with Mr. Scurr regarding agenda; telephone conference with Ms. Garcia regarding Forman matter; e-mail communications with council person Neidhart regarding charter revisions; e-mail communications with chair of CRC regarding charter revisions; edited Forman resolution and contract; red-lined charter; and attention to coordinating pd. and LDC meetings.	1.00	185.00
4/3/2006	EAB	Attended village council meeting.	3.50	647.50
4/4/2006	EAB	Telephone conference with Mr. Scurr on pending items; e-mail communication with Mr. Stanley Kowlessar; attention to ballot questions; telephone conference with CMB city manager Tim Henstry regarding C3TS; e-mail to staff regarding same; and telephone conference with Ms. Olga Cadaval regarding A2 and PBVC.	0.60	111.00
4/4/2006	EAB	Meeting with Mr. Scurr; meeting at AutoNation with Ms. Weintraub, Capt. Mouring, Mr. Scurr, and staff regarding emergency response center; and attention to and attended CRC meeting.	3.50	647.50
4/5/2006	EAB	Telephone conference with Ms. Pier regarding CRC meeting and revisions; began drafting redlined revisions to charter and ballot questions; e-mail communications with CRC regarding same; telephone conference with Ms. Cadaval; attention to A2'd contract; attention to Publix matter; attention to Dog Park and nonprofit; telephone conference with Mr. Rossano regarding Forman final edits; and edited Forman memorandum, draft and ordinance.	2.90	536.50
4/6/2006	EAB	E-mail communications with Mr. Stan Kowlessar regarding red-lined revisions to charter; drafted edits to same; e-mail communications with CRC regarding same; e-mail communications	0.70	129.50

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		with Ms. Garcia regarding Alvarez firm; attention to A2'd matter; analyzed survey of library property and provided comments to Ms. Cadaval regarding survey, parking easement and easement agreement; and attention to C-100 architectural contract.		
4/7/2006	EAB	Breakfast meeting with mayor Flinn regarding pending items; meeting with grant writer and Ms. Cadaval regarding bylaws, articles of incorporation, and nonprofit filings; attention to vendor contracts and O'Leary contract; attention to police services and negotiations; and amended, edited and revised the Articles of Incorporation and Bylaws of nonprofit.	4.00	740.00
4/7/2006	EAB	Analyzed and revised the landscaping code.	1.00	185.00
4/10/2006	EAB	Attention to resident flooding complaint; attention to C-100 architectural request; provided direction to staff regarding same; attention to Marlin litigation and e-mail communications with Ms. Patterson regarding same; and began drafting design build contract.	1.30	240.50
4/11/2006	EAB	Attention to citizen complaint; attention to Forman public comment; e-mail communications with Mr. Engel regarding Publix; finalized edits to charter red-line and ballot questions; follow up with Mr. Murray Greenberg on County Article 5 and Village Article IX provisions on mitigation; e-mail communications with charter revision commission regarding same; e-mail communications with Mr. Tom Ringel regarding same; attention to S.A. agreement and provided direction to Ms. Pier regarding same; telephone conference with Ms. Cadaval; e-mail communications with Mr. Rossano regarding revised plans to accomodate request of racquetballers; e-mail communications with Ms. Cadaval and Mr. Williams regarding resident flooding complaint; and continued to draft design build contract.	3.60	666.00
4/11/2006	EAB	Attention to Mr. Greenberg's telephonic appearance issue; prepared for meeting; and attended CRC meeting.	1.00	185.00
4/12/2006	EAB	Telephone conference with Mr. Proctor; attention to Wolfberg inquiry by Ms. Rosamarie Canals; telephone conference with Ms. Pier regarding charter ballot questions and process; attention to easement with PBVC for library parking; telephone conference with Mr. Eddie Suarez, the surveyor; telephone conference with Ms. Weintraub regarding same; telephone conference with Mr. Scurr regarding PBVC matter; and telephone conference with mayor Finn regarding same [no charge].	0.80	148.00
4/13/2006	EAB	Analyzed complaint and exhibits to PBVC matter; provided update to staff and village council; telephone conference with Mr. Scott Silver; and telephone conference with Mr. Scurr regarding same; attention to library construction, easements, and splitting library lots; and e-mail communications with Ms. Cadaval regarding same.	1.20	222.00
4/17/2006	EAB	Attention to nonprofit; e-mail communications with Ms. Cadaval re: nonprofit; follow up with Ms. Garcia regarding Total Bank and day care regarding Perrine Wayside and PB Commons; telephone conference with Mr. Scurr regarding pending items; e-mail communications with O'Leary regarding contract item; and follow	0.40	74.00

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		up with staff regarding same.		
4/18/2006	EAB	Telephone conference with Mr. Scurr regarding Publix, Forman and upcoming COW meeting; e-mail communications with Ms. Cadaval and Ms. Garcia regarding design build, Forman, Al Ribas; and telephone conference with Mr. Spiros Comitos and Ms. Garcia regarding Forman matter.	0.80	148.00
4/19/2006	EAB	E-mail communications with Mr. Rossano, Mr. Comitos, Ms. Garcia, mayor Flinn regarding Forman matter; and telephone conference with Mr. Gary Allen Ruse regarding same.	0.50	92.50
4/19/2006	EAB	Attended COW meeting.	3.00	555.00
4/20/2006	EAB	Attended police negotiations meeting; meeting with Ms. Ana Garcia regarding Jane Forman and Publix; meeting with Mr. Scurr and council person Breder regarding police and pending items; and attention to Publix matter and drafted communication to Publix terminating negotiations.	2.50	462.50
4/25/2006	EAB	Telephone conference with and e-mail communications with county attorney's office regarding county charter, Article 6, and charter revision provisions (vote of county commission); telephone conference with Mr. Scurr; attention to case law research on challenge to agency's interpretation of charter; e-mail communications with Mr. Rossano regarding request by racquetballers; e-mail communications with Mr. Ringel; e-mail communications with Ms. Weintraub regarding upcoming agenda; e-mail communications with Mr. Jorge Vera regarding LDC; and finalized ordinance on charter amendments.	2.80	518.00
			Total Professional Services	10,600.50

Rate Summary

Luis R. Figueredo	1.50 hours at \$ 0.00/hr	0.00
Luis R. Figueredo	0.80 hours at \$185.00/hr	148.00
Eve A. Boutsis	56.50 hours at \$185.00/hr	10,452.50
	Total hours:	58.80
		10,600.50

Disbursements

3/21/2006	Database Legal research	229.38
3/27/2006	Database Legal research - Pacer	1.28
3/29/2006	Mileage	11.52
4/20/2006	Seminar - 25th Annual Seminar of the Florida Municipal Attorneys Association	250.00

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4/25/2006 Disbursements incurred - 2.0% 212.01

Payments and Credits

3/31/2006 Check No. 4341 11,422.87

11,422.87

For Professional Services 10,600.50

For Disbursements Incurred 704.19

Current Balance: 11,304.69

Previous Balance: 25,903.51

Payments - Thank you 11,422.87

Total Due 25,785.33

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

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

18001 Old Cutler Road, Suite 556
Telephone: (305) 854-5353

Miami, Florida 33157
Facsimile: (305) 854-5351

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

April 25, 2006
Matter ID: 0293-002
Zoning Applications
Invoice Number 18446

			Hours	Amount
3/28/2006	EAB	Telephone conference with Ms. Arleen Weintraub and Mr. Jess Lynn regarding FT& I ordinance and prepared final edits to same.	0.80	148.00
3/29/2006	EAB	Meeting with Ms. Weintraub regarding final edits to FT&I ordinance.	0.50	92.50
3/31/2006	EAB	Analyzed changes to Fla. Growth Management statute and provided update to staff and commission.	0.40	74.00
3/31/2006	EAB	Attended seminar for Gold Coast Section, Florida Chapter of the American Planning Association.	1.00	185.00
4/3/2006	EAB	Attention to FHA implications to zoning code; and extended telephone conference with Mr. Scurr and Ms. Weintraub (and partly with mayor Flinn) regarding FT&I.	1.60	296.00
4/5/2006	EAB	Attention to PBVC declaration of restrictions; and e-mail communications with Mr. Jerry Proctor and Mr. Scott Silver regarding same.	0.20	37.00
4/12/2006	EAB	Meeting with Ms. Weintraub, and Ms. Judy Miller; telephone conference with Mr. Williams and Ms. Patterson related to LDC, zoning agenda, waiver of plat, ordinance and hearing items for Mr. Engel, and modifications to village platting ordinance.	4.00	740.00
4/13/2006	EAB	Analyzed chapter 9 of proposed LDC and began revising same.	2.00	370.00
4/13/2006	EAB	Attention to Engel matter; telephone conference with Ms. Miller regarding same; and edited draft ordinance on abandoning ROW by Mr. Engel's property.	0.40	74.00
4/14/2006	EAB	Drafted declaration of restriction; resolution for action under 33-257, and memorandum relating to Publix item; e-mail communications with county for zoning minutes; attention to advertising requirements, follow upon zoning item; and e-mail communications with staff and Publix representatives regarding same.	2.00	370.00
4/14/2006	EAB	Continued revisions and edits to LDC drafts of chapter 9 as to zoning and building procedures; and provided same to Mr. Vera	2.00	370.00

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		and village staff.		
4/17/2006	EAB	Telephone conference with Ms. Weintraub regarding pending zoning applications; attention to Engel and ROW matter; e-mail communications with Mr. Proctor and Mr. Silver regarding PBVC declaration of restrictions in lieu of unity of title; and finalized Publix documents.	1.50	277.50
4/17/2006	EAB	Drafted revisions and edits to proposed landscaping ordinance.	2.00	370.00
4/18/2006	EAB	Revised sign code; analyzed and used new sign case law from 11th circuit related to first amendment and application to sign codes (Solantic LLC v City of Neptune); attention to P&Z matters including Publix, advertising requirements, FT&I updates, and Engel; and meeting with and telephone conferences with Ms. Weintraub regarding same.	4.00	740.00
4/19/2006	EAB	Meeting with Ms. Weintraub regarding site plan for Publix; telephone conference with Ms. Karcher, Mr. Engel and Mr. Scurr regarding Publix land transfer and declaration of restrictions; and attended LDC meeting with Ms. Weintraub, Ms. Miller, and Mr. Vera regarding finalizing AU, GU, and sign ordinances.	4.00	740.00
				4,884.00
		Total Professional Services		4,884.00

Rate Summary

Eve A. Boutsis	26.40 hours at \$185.00/hr	4,884.00
	Total hours: 26.40	4,884.00

Disbursements

3/21/2006	Database Legal research	14.88
4/18/2006	Filing fee - Recording Declaratio of Restrictive Covenants in Lieu of Unity of Title	52.50
4/25/2006	Disbursements incurred - 2.0%	97.68

Payments and Credits

3/31/2006	Check No. 4341	7,300.14
		7,300.14

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.

For Professional Services	4,884.00
For Disbursements Incurred	165.06
Current Balance:	<u>5,049.06</u>
Previous Balance:	14,093.34
Payments - Thank you	7,300.14
Total Due	<u>11,842.26</u>

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

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

18001 Old Cutler Road, Suite 556 Miami, Florida 33157
Telephone: (305) 854-5353 Facsimile: (305) 854-5351

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

April 25, 2006
Matter ID: 0293-004
Code Enforcement
Invoice Number 18447

			Hours	Amount
4/12/2006	EAB	Meeting with Mr. Luis Carcamo regarding code enforcement matters.	1.00	185.00
4/13/2006	EAB	Telephone conference with Ms. Vanessa Bencomo; and provided direction on liens, release of liens, and payment to village of code enforcement liens.	0.20	37.00
4/17/2006	EAB	Attention to payoff and release of lien items; and analyzed upcoming agenda items for special master hearing.	0.50	92.50
4/18/2006	EAB	Prepared for and attended special master hearing; and drafted letter to violator with toxic chemicals on ROW and immediate cleanup.	2.50	462.50
4/19/2006	EAB	Drafted settlement agreement for code enforcement actions.	0.60	111.00
				<hr/>
			Total Professional Services	888.00

Rate Summary

Eve A. Boutsis	4.80 hours at \$185.00/hr	888.00
	<hr/>	<hr/>
Total hours:	4.80	888.00

4/25/2006 Disbursements incurred - 2.0% 17.76

Payments and Credits

3/31/2006	Check No. 4341	509.49
		<hr/>
		509.49

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For Professional Services	888.00
For Disbursements Incurred	17.76
Current Balance:	<u>905.76</u>
Previous Balance:	717.06
Payments - Thank you	509.49
Total Due	<u>1,113.33</u>

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