

RESOLUTION NO. 06-124

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 \$14,615.29; 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 November 27, 2006, in the amount of \$14,615.29; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

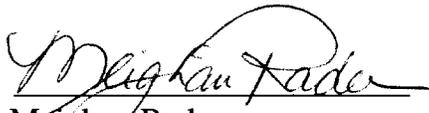
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

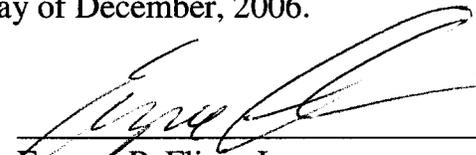
Section 1. The statements for attorneys' fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$14,615.29, copies of which are attached, are approved for payment.

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

PASSED and ADOPTED this 4th day of December, 2006.

Attest:


Meighan Rader
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	<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>YES</u>

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

November 27, 2006
Matter ID: 0293-001
General Municipal
Invoice Number 18732

			Hours	Amount
9/8/2006	EAB	Attended meeting with Mr. Charles Scurr, Ms. Olga Cadaval and South Motors representatives; meeting with Mr. Scurr, Mayor Eugene Flinn, and Ms. Meigan Rader regarding canvassing board and pending park and village hall matters.	3.00	555.00
10/30/2006	CVH	Sent e-mail message to Ms. Josie Bober reminding her that I still need specimens showing use of "Village of Parks" slogan on T-Shirts and polo shirts. [No Charge.]	0.10	0.00
11/1/2006	EAB	Drafted concurrency fair share transportation mitigation ordinance in compliance with 163.3180(16), Fla. Stat; attention to architectural contract; attention to Haas property lump sum contract; telephone conference with Ms. Kitty King and Mr. Scurr; telephone conference with Ms. Rader regarding resolution relating to severance; and drafted Perrine Wayside resolution.	4.60	851.00
11/2/2006	CVH	Received and reviewed series of e-mails from Ms. Bober transmitting photographs of use of "Village of Parks" slogan on T-Shirts and polo shirts; and sent e-mail message to Ms. Bober confirming receipt.	0.40	74.00
11/2/2006	EAB	Telephone conference with Mr. Scurr regarding pending items; telephone conference with Ms. Rader regarding agenda items; telephone conference with Mr. Miguel de la Portilla's assistant and Mr. John Hearn regarding mitigation.	0.60	111.00
11/2/2006	EAB	Meeting with Ms. Ana Garcia, Ms. Cadaval and staff regarding Total Bank and water and sewer contract for Perrine Park; and telephone conference with Mr. Ron Williams regarding currency and LOS.	0.80	148.00
11/3/2006	CVH	Sent e-mail to Ms. Boutsis regarding receipt of final specimens for "Village of Parks" trademark application. [No charge.]	0.10	0.00
11/3/2006	EAB	Attention to mitigation; telephone conference with Mr. Scurr; email communications with Mr. de la Portilla, Ms. Nina Borinske, and Mr. Hearn; attention to PW ordinance relating to roads; drafted letter to appraiser; and attention to transition issues in LDC.	0.60	111.00
11/3/2006	EAB	Drafted temporary use agreement with Total Bank.	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.

11/6/2006	EAB	Analyzed charters for VPB, ML, and Doral; analyzed mitigation reports, MAC committee report; prepared for mitigation conference call with Mr. de la Portilla, Ms. Boninske and Mr. Hearn; attended conference call and attention to Paradise Point matter and scheduled meeting regarding same.	3.50	647.50
11/6/2006	EAB	Analyzed agenda and prepared for meeting; telephone conference with Mr. Scurr; and telephone conference with council person Neidhart (no charge).	2.00	370.00
11/6/2006	EAB	Attended council meeting.	4.00	740.00
11/7/2006	EAB	Attention to PBVC donation of easement for library parking lot; attention to Total Bank matter; finalized letter and use agreement with Total Bank and telephone conference with Ms. Garcia regarding execution of Forman contract.	0.60	111.00
11/7/2006	EAB	Analyzed charter; analyzed MAC committee reports; telephone conference with Mr. Scurr regarding mitigation; and drafted memorandum regarding mitigation position.	3.50	647.50
11/8/2006	EAB	Prepared for conference call; telephone conference with Mr. Hearn; attended conference call with Mr. de la Portilla, Ms. Boninske, and Mr. Hearn; telephone conference with Mr. Scurr and mayor Flinn; and finalized memorandum regarding same.	2.00	370.00
11/8/2006	EAB	Attention to Perrine Wayside development contract and change order; attention to survey and easement issue relating to PBVC and library; and telephone conference with Ms. Cadaval regarding same.	0.40	74.00
11/9/2006	CVH	Received and reviewed copy of e-mail message from Ms. Boutsis to Ms. Inguanzo regarding status of trademark application; e-mail to Ms. Boutsis regarding same. [No Charge.]	0.20	0.00
11/9/2006	EAB	Telephone conference with Ms. Weintraub; telephone conference with Ms. Cadaval; attention to re-zoning item; attention to trademark item; analyzed Publix zoning file for compliance; telephone conference with Ms. Paula Palm, per mayor's request, regarding Publix history and her personal files for the ZAB; email communications with Ms. Inguanzo regarding same; attention to dog park matter; attention to Forman matter; email communications with Ms. Boninske, Mr. Hearn, and Mr. De La Portilla's assistant; and telephone conference with Mr. Mitch Bierman regarding warlord ordinance.	2.20	407.00
11/12/2006	CVH	Reviewed and analyzed Office Action in light of existing specimens to determine how best to response to Office Action objections to registration of "Village of Parks" trademark.	0.40	74.00
11/13/2006	CVH	Work on response to Office Action regarding Village of Parks trademark.	0.90	166.50
11/13/2006	EAB	Revised memorandum on mitigation; telephone conferences with Mr. Hearn, mayor Flinn and Mr. Scurr regarding mitigation; and prepared for mitigation meeting; attended pre-meeting with lobbyist, Doral, Miami Lakes and VPB representatives; and attended	5.00	925.00

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		mitigation meeting with Mr. de la Portilla, Ms. Boninske, Mr. John Hearn; Ms. Cynthia Johnson-Stacks, and Mr. Craig Collier; and telephone conference with Mayor and Mr. Scurr regarding same.		
11/13/2006	EAB	Attention to Forman matter.	0.30	55.50
11/14/2006	EAB	Telephone conference with Mr. Scurr regarding mitigation; scheduled several meetings with staff on pending items; telephone conference with Mr. Hearn, telephone conference with Ms. Boninske; email communications with Total Bank representative; attended meeting with Ms. Weintraub and Mr. Scurr; and attention to and analyzed watershed committee report.	2.50	462.50
11/15/2006	CVH	Lengthy telephone conference with Trademark Office Examining Attorney to resolve Office Action on Village of Parks trademark application; drafted lengthy memorandum explaining resolution.	0.60	111.00
11/15/2006	EAB	Attention to Forman matter; telephone conference with Mr. Ed Ludovici; telephone conference with Mr. Tom Ringel regarding same; email communications with Council Person Shelley Stanczyk regarding same; attention to finalizing approved resolutions from village council meeting; attention to Warlord ordinance; and analyzed charter relating to Watershed and Forman.	2.00	370.00
11/15/2006	EAB	Attended COW meeting.	3.40	629.00
11/17/2006	EAB	Attended breakfast meeting with mayor Flinn, Mr. Scurr; attention to Forman contract; attention to Publix file; meeting with Ms. Garcia and telephone conference with Ms. Cadaval regarding Sewer contract and abstract; and attention to Watershed issue with Mr. Lenard.	2.50	462.50
11/17/2006	EAB	Attention to concurrency issue; telephone conference with Mr. Williams and email communications with Mr. Williams regarding same; and attention to Warlord ordinance issue.	1.40	259.00
11/21/2006	EAB	Attention to Sewage agreement, opinion of title and certification to 1999 regarding same; and meeting with Ms. Garcia regarding same.	0.40	74.00
				<hr/>
			Total Professional Services	8,991.00

Rate Summary

Catherine A. Van Horn	0.40 hours at \$ 0.00/hr	0.00
Catherine A. Van Horn	2.30 hours at \$185.00/hr	425.50
Eve A. Boutsis	46.30 hours at \$185.00/hr	8,565.50

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Total hours:	49.00	8,991.00

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Disbursements

10/3/2006	Courier charge	9.91
11/27/2006	Disbursements incurred - 2.0%	179.82
	For Professional Services	8,991.00
	For Disbursements Incurred	189.73
	Current Balance:	<u>9,180.73</u>
	Previous Balance:	13,167.75
	Payments - Thank you	0.00
	Total Due	<u>22,348.48</u>

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

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NAGIN GALLOP FIGUEREDO^{P.A.}

Attorneys & Counselors

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

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

November 27, 2006
Matter ID: 0293-002
Zoning Applications
Invoice Number 18733

			Hours	Amount
10/30/2006	EAB	Telephone conference with Ms. Arleen Weintraub, and Ms. Meighan Rader; coordinated Goodwill meeting; attention to P&Z items, zoning agenda items and resolutions; revised same; and coordinated meeting with Ms. Shelley Stanczyk and staff regarding LDC.	1.20	222.00
10/31/2006	EAB	Attention to Hemisphere matter; and email communications with counsel for Hemisphere.	0.20	37.00
10/31/2006	EAB	Attended LDC meeting with council person Stanczyk, Ms. Weintraub, and Mr. Efrin Nunez; attended second meeting re: same with vice-mayor Linda Robinson; assisted in drafting resolution relating to building department; attention to pending code items and interpretation; email communications with Ms. Diane O'Quinn Williams regarding waiver application and status of same.	6.00	1,110.00
11/1/2006	EAB	Attended P&Z LDC meeting with Mr. Nunez, Ms. Weintraub and council person Neidhart; and telephone conference with Mr. Peter Gruber and Mr. Rosengarten.	2.50	462.50
11/2/2006	EAB	Substantially edited proposed chapter 3 of the LDC; drafted quasi-judicial zoning procedures ordinances for interim; analyzed chapter 33, MDC regarding notice requirements and provisions being repealed by village; drafted fee schedule ordinance; attention to BlackPoint Marina matter; email communications with representative of Black Point Marina; attention to building related issues for 8380 SW 153 Street; and communications with staff regarding same.	4.50	832.50
11/7/2006	EAB	Meeting with Ms. Weintraub, Mr. Nunez and vice-mayor regarding LDC revisions (5 chapters) and code enforcement/building/zoning related issues; analyzed Sontag public hearing application; telephone conference with Ms. Aimee Artilles regarding same; email communications with Mr. Al Torres regarding same; analyzed SinFin matter; meeting with Mr. Raul Rodriguez and building staff regarding Gager property; analyzed permit file regarding same; and attention to ROW issues complained of by resident (Countess); follow up with Ms. O'Quinn Williams regarding administrative	3.70	684.50

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		adjustment.		
11/8/2006	EAB	Drafted SinFin declaration of restrictive covenants.	0.40	74.00
11/13/2006	EAB	Email communications and follow-up with Mr. Ronald Connally, Mr. Al Torres and village staff regarding administrative adjustment and Sontag hearing matter.	0.30	55.50
11/14/2006	EAB	Meeting with Ms. Weintraub, Mr. White, Mr. Nunez regarding code, rezoning, LDC, and other pending items; attention to Sontag declaration of restrictions; and meeting with P&Z staff and Goodwill (Ms. Mahta, Mr. Adler and Goodwill representatives).	2.00	370.00
11/15/2006	EAB	Telephone conference with Ms. Weintraub, Mr. Scurr and Ms. Pier regarding COW-LDC meeting; attention to Paradise Point matter; telephone conference with Mr. Ed Ludovici and Mr. Tom Ringel; attention to watershed matter (analyzed reports, CDMP issues; ch. 163, F.S., etc.); attention to Paradise Point design review; telephone conference with Ms. Weintraub regarding notice and fee schedule ordinances; and attention to Good Will issue.	2.40	444.00
11/21/2006	EAB	Attention to Shell Station unity of title and lien issues; telephone conference with Ms. Weintraub, Mr. Allen White and developer regarding same; and attention to and analysis of PBVC covenants; and drafted memorandum regarding same.	2.00	370.00
				4,662.00
			Total Professional Services	4,662.00

Rate Summary

Eve A. Boutsis	25.20 hours at \$185.00/hr	4,662.00
	Total hours: 25.20	4,662.00

11/27/2006	Disbursements incurred - 2.0%	93.24
	For Professional Services	4,662.00
	For Disbursements Incurred	93.24
	Current Balance:	4,755.24
	Previous Balance:	4,943.94
	Payments - Thank you	0.00
	Total Due	9,699.18

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

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NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

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Telephone: (305) 854-5353 Facsimile: (305) 854-5351

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

November 27, 2006
Matter ID: 0293-004
Code Enforcement
Invoice Number 18734

			Hours	Amount
11/20/2006	EAB	Meeting with staff in anticipation of upcoming special master agenda; analyzed agenda items.	1.20	222.00
11/21/2006	EAB	Attended special master hearing; and telephone conferences with violators (Mr. Ed Ashley re: Grizzly Corporation and Lazer Collazo).	1.40	259.00
11/21/2006	EAB	Drafted Bolger final order and request for injunctive relief; and email communications with Special Master Richard Doody and C.E. staff regarding same.	1.00	185.00
				<hr/>
			Total Professional Services	666.00

Rate Summary

	Eve A. Boutsis	3.60 hours at \$185.00/hr	666.00
		<hr/>	<hr/>
		Total hours: 3.60	666.00
11/27/2006	Disbursements incurred - 2.0%		13.32

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For Professional Services	666.00
For Disbursements Incurred	13.32
Current Balance:	<u>679.32</u>
Previous Balance:	1,044.48
Payments - Thank you	0.00
Total Due	<u>1,723.80</u>

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NAGIN GALLOP FIGUEREDO^{PA}

Attorneys & Counselors

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

November 30, 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 November 27, 2006. The amounts due are as follows:

0293-001	Non-Retainer Legal Services <i>Statement No. 18732 dated 11/27/06</i>	Prof'l Services	\$	8,991.00
		Disbursements		189.73
		Total		9,180.73
0293-002	Zoning Applications <i>Statement No. 18733 dated 11/27/06</i>	Prof'l Services	\$	4,662.00
		Disbursements		93.24
		Total		4,755.24
0293-004	Code Enforcement <i>Statement No. 18734 dated 11/27/06</i>	Prof'l Services	\$	666.00
		Disbursements		13.32
		Total		679.32
	TOTAL CURRENTLY DUE		\$	14,615.29

Letter to Charles D. Scurr, Village Manager
November 30, 2006
Page 2 of 2

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/lcm

Enclosures

cc: Mayor and Village Council