

RESOLUTION NO. 2010-92

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 FBM LAW OFFICES IN THE AMOUNT OF \$18,161.61; 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, FBM LAW OFFICES, submitted its statements to the village for legal services rendered, and costs advanced, for the period ending September 28, 2010, in the amount of \$18,161.61; 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 FBM LAW OFFICES, in the total amount of \$18,161.61, 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 October, 2010.

Attest: 
Meighan Rader
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


Efe A. Boutsis,
FBM LAW OFFICES, as Office
of the Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>YES</u>
Council Member Howard J. Tendrich	<u>YES</u>
Council Member Shelley Stanczyk	<u>YES</u>
Vice-Mayor Brian W. Pariser	<u>YES</u>
Mayor Eugene P. Flinn, Jr.	<u>YES</u>

FBM LAW OFFICES

Attorneys & Counselors

18001 Old Cutler Road - Fifth Floor

Telephone: (305) 235-9344

Miami, Florida 33157-6417

Facsimile: (305) 235-9372

September 28, 2010

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 September 28, 2010, in the amount of \$18,161.61. 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. 20148 dated 9/28/10</i>	Prof'l Services Disbursements Total Due	\$ 7,677.50 367.27 8,044.77
	Total		\$ 8,044.77
Please deduct from Village Attorney Account No. 5143140, Code Enforcement.			
0293-002	<i>Zoning Application</i> <i>Invoice No. 20149 dated 9/28/10</i>	Prof'l Services Disbursements Total Due	\$ 3,274.50 65.49 3,339.99
	Total		\$ 3,339.99
0293-004	<i>Code Enforcement</i> <i>Invoice No. 20150 dated 9/28/10</i>	Prof'l Services Disbursements Total Due	\$ 1,406.00 28.12 1,434.12
0293-027	<i>Palmer Trinity Private School vs. VPB</i> <i>Invoice No. 20151 dated 9/28/10</i>	Prof'l Services Disbursements Total Due	\$ 1,887.00 1,075.55 2962.55

0293-029	Palmer Trinity v, VPB-Appeal <i>Invoice No. 20152 dated 9/28/10</i>	Prof'l Services Disbursements Total Due	\$ 74.00 556.68 630.68
0293-042	Joseph Hagan, et al. v. VPB <i>Invoice No. 20153 dated 9/28/10</i>	Prof'l Services Disbursements Total Due	\$ 55.50 0.00 55.50
0293-043	Carol Tramutula, et al. v. VPB <i>Invoice No. 20154 dated 9/28/10</i>	Prof'l Services Disbursements Total Due	\$ 74.00 0.00 74.00
0293-046	<i>Palmer Trinity vs. VPB (2010 Dec Act)</i> <i>Invoice No. 20155 dated 9/28/10</i>	Prof'l Services Disbursements Total Due	\$ 1,620.00 0.00 1,620.00
	Grand Total		\$ 18,161.61

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

**FBM LAW OFFICES
ATTORNEYS & COUNSELORS**

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Facsimile: (305) 235-9372

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

September 28, 2010
Matter ID: 0293-001
General Municipal-VPB
Invoice Number 20148

			Hours	Amount
9/8/2010	EAB	Research relating to validity of SB 1752, enforcement of same and application to Building Permits; provided direction to Mr. Ed Silva regarding same with detailed analysis and memorandum; drafted letter to Florida AG regarding same; follow up with Ms. Patterson; attention to FPL extension and scheduling plan - no objection to same (consistent with Pinecrest, Coral Gables, SFRPC, and others); communications with Mr. Perez regarding AIPP; and revised resolution and cover memo regarding same.	2.50	462.50
9/9/2010	EAB	Meeting with Mr. Bill Kress on website contract; discussion with Ms. Meighan Alexander; telephone conference with Mr. Ron Williams; telephone conference with Mr. Julian Perez regarding SB 1752; communications with Ms. Patterson regarding ISD; and communications with Mr. Greg Oldenkamp regarding same.	1.00	185.00
9/10/2010	EAB	Follow up with Ms. Fanny Carmona on CAM; and Mr. Silva on AGO.	0.40	74.00
9/13/2010	EAB	Telephone conference with Mr. Williams on pending matters; telephone conference with Mayor Eugene Flinn; follow up with MB and CAD files; analyzed agenda in anticipation of council meeting; meeting with Ms. Carmona, Mr. Figueredo and Mr. John Hearing.	2.10	388.50
9/13/2010	EAB	Attended Council meeting.	2.00	370.00
9/14/2010	EAB	Drafted landscape architect agreement.	1.00	185.00
9/14/2010	EAB	ANalyzed budget and state law relating to millage; and attended budget hearing.	3.50	647.50
9/15/2010	EAB	Telephone conference with Mr. Vincent Vacarella; communications with Mr. Richard Coker; telephone conference with Mr. Williams, Ms. Cadaval and Mr. Silva; attention to FPL matter; communications with Ackerman firm on pending building permit matter; telephone conference with Mr. Williams; reminder to counsel on evaluations; and revised Landscape contract and discussion with Mr. Hearin regarding same.	1.00	185.00
9/15/2010	EAB	Research as to salary comparabilities per request of VM Brian	1.00	185.00

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Pariser as to manager and clerk; telephone conference with Mr. Williams.

9/16/2010	EAB	Telephone conference with CP Howard Tendrich on pending items; communications with Ms. Alexander and V-M Pariser on evaluations; and telephone conference with Ms. Alexander on pending items.	0.60	111.00
9/17/2010	EAB	Communications with Ms. Cadaval, Mr. Silva; meeting with Ms. Cadaval and Mr. Silva; telephone conferences with and email communications with subcontractors as to balances owed by MB; communications with Mr. Coker; meeting with Mr. Williams regarding same; communications with Mr. Vacarella; communications with Mr. Oldenkamp (ISD) matter; attention to CITT ordinance for first reading; and communications with Mr. Robert Meyers and Mr. Joe Centorino regarding coordinating seminar for elected officials.	3.00	555.00
9/20/2010	EAB	Telephone conference with subcontractor to MB as to invoice; follow up with CB counsel, Mr. Vacarella; and telephone conference with Mr. Federer.	0.40	74.00
9/20/2010	EAB	Telephone conference with Mr. Williams on pending items with Mr. Perez; and telephone conference with Mr. Williams regarding CITT; and communications with Council regarding first reading of county ordinance regarding same.	0.40	74.00
9/21/2010	EAB	Communications with Mr. Coker; communications with subcontractors; and telephone conference with Mr. Williams and Ms. Alexander.	0.60	111.00
9/22/2010	EAB	Follow up with subcontractors; telephone conference with Ms. Corrice Patterson regarding RFQ; and telephone conference with CP Tendrich.	0.40	74.00
9/22/2010	EAB	Revised signage ordinance, LDC ordinance on designations and titles, and Alcoholic Beverages ordinances for first reading, and prepared cover memoranda regarding same; and drafted October Village Attorney update - attention to FPL, and SB 360 litigation.	3.00	555.00
9/23/2010	EAB	Several communications with subcontractors; communications with Mr. Coker; communications with Ms. Cadaval and Mr. Silva regarding MB/CB; telephone conference with Sunbelt; and ONMJ; attention to CITT matter; communications with VM Pariser and Coral Gables regarding CITT opposition to reduction in percentage or amounts paid; and communication with Mr. Williams, Mr. Silva, Ms. Cadaval.	2.50	462.50
9/23/2010	EAB	Analyzed POAs, Florida Statutes; correspondence and drafted letter to Mr. Fernandez regarding Gager POA and property; communications with Mr. Perez and Mr. Silva regarding same; analyzed Morgan chain of custody and limited POA, property records, foreclosure records, and confirmed validity of POA for Building Department.	2.00	370.00
9/23/2010	EAB	Meeting with Ms. Patterson regarding ISD.	1.00	185.00

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9/23/2010	EAB	Revised AIPP resolution, memo and contract.	1.00	185.00
9/24/2010	EAB	Attended meeting with ISD, surety and Ms. Patterson, began research.	2.00	370.00
9/24/2010	EAB	Attention to pending matters with Mr. Perez; and attention to final release with Ms. Carmona as to architectural work at park; telephone conference with Portland Construction; and revised waiver and release form.	0.60	111.00
9/24/2010	EAB	Analyzed CITT interlocal agreement; drafted resolution re: opposition to County CITT efforts to change funding; and communications with VM Pariser regarding same.	1.30	240.50
9/25/2010	EAB	Telephone conference with Mr. Silva re: contractor and performance bond.	0.40	74.00
9/27/2010	EAB	Meeting with Mr. Perez on upcoming agenda items; meeting with Manager and Clerk regarding budget; analyzed grant contract and provided comments regarding same; attention to telecommunications bond inquiry and provided direction to Building Department regarding same; drafted cover memo to CITT resolution; communications with CP Shelley Stanczyk; communications with Ms. Alexander and VM Pariser on agenda item; finalized update to Village Attorney Memorandum.	2.10	388.50
9/27/2010	EAB	Legal research relating to silk screening and painting relating to signage bond and coverage.	3.00	555.00
9/27/2010	EAB	Attention to MB matter; and communications with Mr. Coker and Mr. Jim Beeson.	0.40	74.00
9/27/2010	EAB	Prepared for and attended budget hearing.	2.00	370.00
9/28/2010	EAB	Follow up with Building Staff as to CUs and follow up with Mr. Silva regarding Thalatta contract.	0.30	55.50
Total Professional Services				7,677.50

Rate Summary

Eve A. Boutsis	41.50 hours at \$185.00/hr	7,677.50
	Total hours: 41.50	7,677.50

Disbursements

7/20/2010	Parking Charge	18.00
7/20/2010	Mileage	15.00
8/19/2010	Mileage	30.72
8/31/2010	Database Legal research	150.00

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9/28/2010 Disbursements incurred - 2.0% 153.55

Payments and Credits

9/27/2010 Check No.: 11630 16,130.09

Sub-total Payments: 16,130.09

For Professional Services 7,677.50

For Disbursements Incurred 367.27

Current Balance: 8,044.77

Previous Balance: 16,130.09

Payments - Thank you 16,130.09

Total Due 8,044.77

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

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**FBM LAW OFFICES
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Facsimile: (305) 235-9372

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

September 28, 2010
Matter ID: 0293-002
Zoning Applications
Invoice Number 20149

			Hours	Amount
9/7/2010	EAB	Meeting with Mr. Julian Perez and Mr. Efen Nunez on pending zoning applications and revisions to analysis regarding same; and attention to platting item.	2.00	370.00
9/8/2010	EAB	Telephone conference with Mr. Perez regarding zoning agenda.	0.20	37.00
9/16/2010	EAB	Communications with Ackerman firm.	0.30	55.50
9/20/2010	EAB	Prepared for P&Z meeting.	2.00	370.00
9/20/2010	EAB	Legal research relating to "takings".	0.60	111.00
9/20/2010	EAB	Attended planning & zoning meeting.	3.00	555.00
9/21/2010	EAB	Drafted all 28 zoning resolutions; and communications with Akerman firm re: shopping center, analysis of same.	5.50	1,017.50
9/22/2010	EAB	Attended meeting with Counsel for Mr. Zisman, Mr. Jerry Proctor and P&Z staff; attended meeting with Charter School representatives (PB Park area) and P&Z; and attention to pending items.	3.00	555.00
9/24/2010	EAB	Finalized zoning resolutions.	0.30	55.50
9/27/2010	EAB	Finalized zoning resolutions with Mr. Perez.	0.50	92.50
9/28/2010	EAB	Reviewed and analyzed Deering Estates LLC revised resolution; communications with Mr. Perez and Mr. Proctor.	0.30	55.50
			Total Professional Services	3,274.50

Rate Summary

Eve A. Boutsis	17.70 hours at \$185.00/hr	3,274.50
Total hours:	17.70	3,274.50

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CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

9/28/2010 Disbursements incurred - 2.0% 65.49

Payments and Credits

9/27/2010 Check No.: 11630 5,870.68

Sub-total Payments: 5,870.68

For Professional Services 3,274.50

For Disbursements Incurred 65.49

Current Balance: 3,339.99

Previous Balance: 5,870.68

Payments - Thank you 5,870.68

Total Due **3,339.99**

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

September 28, 2010
Matter ID: 0293-004
Code Enforcement
Invoice Number 20150

			Hours	Amount
7/26/2010	EAB	Reviewed Foreclosure Complaint and Claim of Lien and prepared response to same.	1.50	277.50
9/17/2010	EAB	Communications with property owner's counsel (Duncan Donuts); attention to licensure issue; meeting with Mr. Alan White and Mr. Julian Perez and contractor licensing, and work without permit, and assisted Department Director regarding same.	1.50	277.50
9/20/2010	EAB	Assisted code compliance with special master agenda item represented by Akerman firm.	2.00	370.00
9/21/2010	EAB	Attended special master hearing.	2.40	444.00
9/24/2010	EAB	Communications with Mr. Perez and Mr. Ed Silva and finalized Gager letter and executed same.	0.20	37.00
			Total Professional Services	1,406.00

Rate Summary

Eve A. Boutsis	7.60 hours at \$185.00/hr	1,406.00
	Total hours: 7.60	1,406.00

9/28/2010 Disbursements incurred - 2.0% 28.12

Payments and Credits

9/27/2010	Check No.: 11630	1,018.98
		Sub-total Payments: 1,018.98

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For Professional Services	1,406.00
For Disbursements Incurred	28.12
Current Balance:	<u>1,434.12</u>
Previous Balance:	1,018.98
Payments - Thank you	1,018.98
Total Due	<u>1,434.12</u>

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

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	Total hours:	<u>10.20</u>	<u>1,887.00</u>
Disbursements			
7/9/2010	Transcripts		550.65
8/19/2010	Parking Charge		36.00
8/31/2010	Database Legal research		387.68
8/31/2010	Courier charge-Filing with the Clerk of the Court		30.48
9/2/2010	Mileage		15.00
9/2/2010	Parking Charge		18.00
9/28/2010	Disbursements incurred - 2.0%		37.74
Payments and Credits			
9/27/2010	Check No.: 11630		8,589.04
		Sub-total Payments:	<u>8,589.04</u>
	For Professional Services		1,887.00
	For Disbursements Incurred		1,075.55
	Current Balance:		<u>2,962.55</u>
	Previous Balance:		8,589.04
	Payments - Thank you		8,589.04
	Total Due		<u>2,962.55</u>

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

September 28, 2010
Matter ID: 0293-029
Palmer Trinity v. VPB - Appeal
Invoice Number 20152

			Hours	Amount
9/15/2010	EAB	Telephone conference with Ms. Alex Deas on transfer; communications with Mr. Tucker Gibbs.	0.40	74.00
				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

Disbursements

6/23/2010	Parking Charge	3.75
6/23/2010	Mileage	4.80
6/25/2010	Parking Charge	2.50
6/25/2010	Mileage	4.80
7/16/2010	Parking Charge	8.00
7/16/2010	Mileage	20.80
8/13/2010	Courier charge-Round Trip Service to File at the Clerk of the Court	81.02
8/17/2010	Courier charge-Filing with the Clerk of the Court	42.21
8/31/2010	Database Legal research	387.32
9/28/2010	Disbursements incurred - 2.0%	1.48

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FBM LAW OFFICES
Attorneys & Counselors

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Ron E. Williams
8950 SW 152 Street
Palmetto Bay, Florida 33157

September 28, 2010
Matter ID: 0293-043
Carol Tramutula v. VPB

Invoice Number 20154

			Hours	Amount
9/10/2010	EAB	Attention to litigation, research.	0.40	74.00
				<hr/>
Total Professional Services				74.00

Rate Summary

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

For Professional Services	74.00
For Disbursements Incurred	0.00
<hr/>	
Current Balance:	74.00
Previous Balance:	0.00
Payments - Thank you	0.00
<hr/>	
Total Due	74.00

Invoice Number: 20154

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

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For Professional Services	1,620.00
For Disbursements Incurred	0.00
Current Balance:	<u>1,620.00</u>
Previous Balance:	847.62
Payments - Thank you	847.62
Total Due	<u>1,620.00</u>

Invoice Number: 20155

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.