

RESOLUTION NO. 05-39

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 \$23,173.27; 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 May 25, 2005, in the amount of \$23,173.27; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

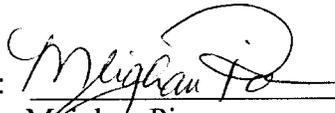
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The statements for attorneys' fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$23,173.27, copies of which are attached, are approved for payment.

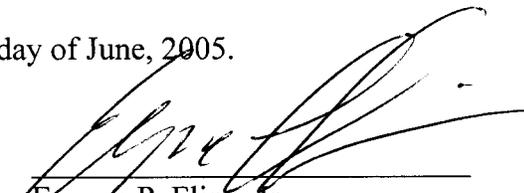
Section 2. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 6th day of June, 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 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

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

June 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 May 25, 2005. The amounts due are as follows:

0293-001	Non-Retainer Legal Services <i>Statement No. 17503 dated 5/25/05</i>	Prof'l Services	\$	17,686.00
		Disbursements		476.72
		Total		18,162.72
0293-002	Zoning Applications <i>Statement No. 17504 dated 5/25/05</i>	Prof'l Services	\$	3,422.50
		Disbursements		132.58
		Total		3,555.08
0293-004	Code Enforcement <i>Statement No. 17505 dated 5/25/05</i>	Prof'l Services	\$	777.00
		Disbursements		32.82
		Total		809.82
0293-007	Old Cutler Presbyterian Church <i>Statement No. 17506 dated 5/25/05</i>	Prof'l Services	\$	592.00
		Disbursements		16.65
		Total		608.65

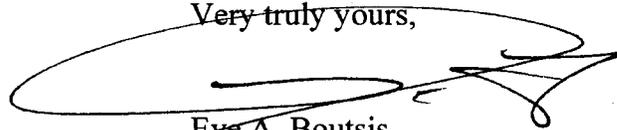
Letter to Charles D. Scurr, Village Manager
June 1, 2005
Page 2 of 2

0293-010	Hurst v. Village of Palmetto Bay	Prof'l Services	\$	37.00
	<i>Statement No. 17507 dated 5/25/05</i>	Disbursements		0.00
		Total		37.00

TOTAL CURRENTLY DUE \$ 23,173.27

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

Telephone: (305) 854-5353

Facsimile: (305) 854-5351

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

May 25, 2005
Matter ID: 0293-001
General Municipal
Statement No. 17503

			Hours	Amount
4/26/2005	EAB	Finalized Bermillo and W&A architectural contracts.	2.50	462.50
4/26/2005	EAB	Telephone conference with Ms. Meighan Pier regarding agenda items; prepared final edits to garage sales ordinance; provided comments on Henry Iler contract amendment; and attention to charter school ordinance.	0.80	148.00
4/27/2005	EAB	Attended meeting with Mr. Charles Scurr regarding pending items; attended LDC meeting with Ms. Arleen Weintraub and Mr. Jorge Vera; attended meeting with Ms. Weintraub to revise and edit the charter school ordinance; attention to and analyzed Jane Foreman contract; telephone conference with Mr. Robert Rossano regarding same; telephone conference with Mr. Scurr, Ms. Olga Cadaval, and Ms. Ana Garcia regarding architectural contracts and Foreman contract.	5.00	925.00
5/2/2005	LRF	Teleconference with Mr. Scurr regarding Alemar matter; reviewed ethics ordinances. Conference with Ms. Eve Boutsis regarding the same. Review proposed FTP policy ordinance.	2.10	388.50
5/2/2005	EAB	Analyzed agenda; telephone conference with Mr. Scurr on pending items; attention to FRS item.	2.50	462.50
5/2/2005	EAB	Attended council meeting.	3.50	647.50
5/3/2005	LRF	Teleconference with Mr. Charles Scurr regarding pending matters.	0.30	55.50
5/3/2005	EAB	Telephone conference with mayor Eugene Flinn regarding after action summary of council meeting.	0.30	55.50
5/4/2005	LRF	Reviewed letter from Robert Schreiber.	0.30	55.50
5/4/2005	EAB	E-mail communications with county library attorney regarding finalizing library contract; attention to Wolfberg contract, B&A contract; and e-mail communications with staff regarding Foreman Tennis contract; attention to and began drafting sexual predator ordinance; and analyzed condemnation appraisal communication from counsel.	1.50	277.50
5/4/2005	EAB	Prepared update letter to auditors on pending litigation.	1.00	185.00

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5/4/2005	EAB	Telephone conference with mayor Flinn regarding pending items.	0.30	55.50
5/5/2005	EAB	Meeting with Ms. Cadaval and Ms. Garcia regarding park related items and Jane Foreman contract.	2.50	462.50
5/5/2005	EAB	Attention to sexual predator legislation; telephone conference with Mr. Scurr; telephone conference with Mr. Wolfberg; and facsimile request to Ms. Foreman's counsel.	1.00	185.00
5/6/2005	LRF	Researched case law, reviewed ordinances; drafted ordinance regarding sex offender's ordinance.	3.00	555.00
5/6/2005	EAB	Telephone conference with mayor Flinn, and telephone conference with Mr. Scurr regarding pending zoning items; and attention to Bank Atlantic matter.	0.50	92.50
5/6/2005	NDH	Pulled cases identified within Tennessee opinion for Mr. Luis Figueredo; shepardized the same cases; and researched relevant cases within Florida and Georgia for his review.	0.50	92.50
5/9/2005	LRF	Worked on sex offender's ordinance. Teleconference with Eugene Flinn regarding the same.	2.50	462.50
5/9/2005	EAB	Attended Wolfberg meeting with Ms. Cadaval, Ms. Garcia, and Mr. Wolfberg; meeting with VPB PD regarding sexual predators; telephone conference with Mr. Ed Ludovici regarding Atlantic Bank; meeting with Ms. Weintraub and Mr. Raul Rodriguez regarding sign regulations; e-mail communications with Mr. Sandoval's counsel and Mr. Ron Williams regarding release of ROW; and attention to sexual predator legislation.	5.60	1,036.00
5/10/2005	LRF	Conference with Ms. Boutsis regarding proposed Coral Reef Tennis expansion.	0.50	92.50
5/10/2005	EAB	E-mail and telephone conference with mayor Flinn; telephone conference with Ms. Weintraub regarding CDMP; drafted sex offender legislations; and draft letter to AG.	3.30	610.50
5/11/2005	EAB	Attended meeting with Ms. Judy Miller, Ms. Weintraub and county staff regarding Frango Triangle urban center plan; meeting with code enforcement regarding code enforcement issues; attention to Jane Foreman matter; e-mail communications with Mr. Robert Rossano regarding same; prepared for COW meeting; analyzed sex offender legislation in preparation for COW meeting; finalized sex offender ordinance; and draft letter to AG.	7.50	1,387.50
5/11/2005	EAB	Attended meeting with Mr. Vera, Ms. Miller, and Ms. Weintraub regarding LDC revisions; attended meeting with Ms. Garcia, Ms. Cadaval, and Mr. Scurr regarding Wolfberg contract and park related items; meeting with Mr. Rodriguez, and Ms. Weintraub regarding sign regulations, issuance of citations, process for standard enforcement; and attention to policy as to site plans for zoning applications.	5.00	925.00
5/12/2005	LRF	Follow up research regarding sex offender regulations.	1.00	185.00
5/12/2005	EAB	Telephone conference with Mayor Flinn regarding after action as to COW meeting; e-mail communications with Mr. Rossano;	1.40	259.00

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		telephone conference with news reporter from Community News; follow up on assignments received during COW meeting; e-mail communications with Ms. Tonya Karcher regarding Publix Park; and telephone conference with mayor Flinn regarding pending items.		
5/13/2005	LRF	Teleconference with Mr. Charles Scurr.	0.30	55.50
5/13/2005	EAB	Provided e-mail comments to Mr. Vera and staff; began editing residential district regulations; and began red-lining draft documents.	3.50	647.50
5/13/2005	EAB	Telephone conference with mayor Flinn, and telephone conference with Mr. Scurr regarding breakfast meeting, COW meeting and pending items; and e-mail communications with Ms. Karcher regarding Publix Park.	0.40	74.00
5/13/2005	NDH	Received assignment from Mr. Figueredo to research whether a Florida sex offender statute exists that includes a 1,000 feet restriction; researched the same; provided the same to Mr. Figueredo.	0.30	55.50
5/16/2005	EAB	Attended ethics retreat.	3.00	555.00
5/17/2005	EAB	Meeting with Ms. Weintraub regarding signs; attention to e-mails and communications with mayor Flinn; coordinated meeting with Ms. Weintraub regarding meeting with car dealership and Team Metro; attention to charter and agreement with County as to Solid Waste Collection Services; and drafted e-mail synopsis of research.	1.00	185.00
5/17/2005	EAB	Attended LDC meeting with Ms. Weintraub, Ms. Miller, and Mr. Vera; meeting with Mr. Williams, Ms. Cadaval, Ms. Dee Dee Heacock, Ms. Weintraub and representative of Beacon Council regarding Empowerment Zone within Frango Triangle; lunch meeting with Mr. Scurr and mayor Flinn; meeting with council member Paul Neidhart and Ms. Weintraub regarding Urban Center; meeting with vice-mayor Robinson and Ms. Weintraub regarding Urban Center; attention to alleged claim in park; follow up with library representatives regarding revised library agreement; and attention to copyright laws.	6.70	1,239.50
5/17/2005	NDH	Conferred with code enforcement officer- Mr. Shaw re: agenda items; attended and participated in special master hearing; reviewed documentation re: the same.	4.00	740.00
5/18/2005	EAB	Analyzed red-lined revisions to library agreement; provided comments to county and village on same; attention to draft resolution regarding sex offenders and park trespass; e-mail communications with officer Debbie Antonious regarding same; telephone conference with mayor Flinn and Ms. Weintraub regarding LDC meeting and coordinated new meeting date; attention to and analysis of cyber squatting issues and copyright issues; telephone conference with Ms. Cadaval regarding library agreement; drafted e-mail communication to Mr. Scurr and council member Breder regarding Publix Park matter; e-mail communications regarding same with Council member Breder	3.00	555.00

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		regarding same; and attention to vendor/cart ordinance for park related items.		
5/19/2005	EAB	Travelled to Tallahassee with Ms. Weintraub to review comprehensive plan draft and ORC report with DCA staff.	6.50	1,202.50
5/20/2005	EAB	Attention to letter by AG Christ; and forwarded same to village council; attention to libel-slander related issues and copyright issues; and attention to public land vendor prohibition ordinance.	1.00	185.00
5/22/2005	EAB	Telephone conference with mayor Flinn regarding pending items.	0.30	55.50
5/23/2005	EAB	Drafted UDB resolution; attention to copyright issue; e-mail communications with mayor Flinn regarding code enforcement and weekend enforcement of vpb code; drafted request to amend trespass laws and increased penalty for sexual offenders and sexual predators resolution to be forwarded to Florida Legislature; e-mail communications with Det. Antonious and mayor Flinn regarding same.	1.60	296.00
5/24/2005	EAB	Attended meeting with Ms. Weintraub regarding OCPC, sign regulations, etc; meeting with Ms. Weintraub and council person Breder regarding enterprise zone, LDC, and Frango Triangle; meeting with council person Breder regarding upcoming agenda items; meeting with council person Feller regarding LDC, Mixed Use District and discussion with council person Feller regarding sexual offender legislation; telephone conference with mayor Flinn and attention to pending zoning related matters; and attention to park interlocal and payment of maintenance for pine tree reserve area.	6.80	1,258.00
5/25/2005	LRF	Status conference with Ms. Boutsis regarding OCPC.	0.20	37.00
5/25/2005	EAB	Attention to library contract; telephone conference with Marcy of library staff to coordinate meeting; and email communication with staff and council person Breder to inform of meeting.	0.30	55.50
5/25/2005	EAB	Attended meeting with Ms. Weintraub, and mayor Flinn at village hall regarding Frango Triangle and mixed use; also discussion with mayor regarding pending zoning issues and OCPC status.	2.30	425.50
Total Professional Services				17,686.00

Rate Summary

Luis R. Figueredo	10.20 hours at \$185.00/hr	1,887.00
Eve A. Boutsis	80.60 hours at \$185.00/hr	14,911.00
Nakia D. Henry	4.80 hours at \$185.00/hr	888.00
Total hours:	95.60	17,686.00

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Disbursements

5/11/2005	Mileage on 2/15/05 for Special Master Hearing (NDH).	8.64
5/16/2005	Legal research	13.21
5/16/2005	Legal research	25.28
5/16/2005	Legal research	50.00
5/18/2005	Parking Charge on 4/22/05 at downtown for library meeting.	10.00
5/23/2005	Federal Express on 5/12/05 sent to Charlie Crist, Office of the Attorney General.	15.50
5/25/2005	Disbursements incurred - 2.0%	354.09
	For Professional Services	17,686.00
	For Disbursements Incurred	476.72
	Current Balance:	<u>18,162.72</u>
	Previous Balance:	19,556.27
	Payments - Thank you	0.00
	Total Due	<u>37,718.99</u>

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

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.
Village of Palmetto Bay
8950 SW 152nd Street
Palmetto Bay, Florida 33157

May 25, 2005
Matter ID: 0293-002
Zoning Applications
Statement No. 17504

			Hours	Amount
4/27/2005	EAB	Telephone conference with mayor Eugene Flinn regarding Alemar litigation.	0.20	37.00
5/2/2005	EAB	Telephone conferences with Mr. Charles Scurr, Mayor Flinn, Dr. Ed Feller, Mr. Joy Williams; and attention to Alemar matter.	3.00	555.00
5/2/2005	EAB	Prepared for and attended a/c session; and discussions with Mr. Williams and individual council members.	1.50	277.50
5/3/2005	EAB	Meeting with county staff regarding Frango Triangle mixed use proposed zoning plan; and meeting with Ms. Arleen Weintraub on pending LDC matters.	3.50	647.50
5/3/2005	EAB	Attention to Alemar litigation; e-mail communication with Mr. Tom David regarding Alemar motion for sanctions; and meeting with Mr. Murray Greenberg.	0.40	74.00
5/3/2005	EAB	Attention to OCPC matter and hearing on motion to dismiss.	0.30	55.50
5/4/2005	EAB	Received and reviewed Alemar notice of withdrawal of motion for sanctions; and forwarded same to village council.	0.30	55.50
5/4/2005	EAB	Attention to Bank Atlantic sign issue; telephone conference with Ms. Weintraub regarding same; and e-mail request to counsel regarding request for additional information.	0.40	74.00
5/4/2005	EAB	Analyzed Urban Center Zoning District Regulations proposed for Frango Triangle.	3.00	555.00
5/5/2005	EAB	Attention to Bank Atlantic sign issue and telephone conference with property representative.	0.20	37.00
5/10/2005	EAB	Telephone conference with Ms. Weintraub regarding Atlantic Bank sign requests.	0.30	55.50
5/12/2005	EAB	Analyzed urban center code and LDC developments.	3.00	555.00
5/18/2005	EAB	Attention to order of court on motion for sanctions; and analyzed issues.	0.40	74.00
5/18/2005	EAB	Attention to sign regulation issues.	0.60	111.00

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5/20/2005	EAB	Drafted notice to court regarding Alemar motion and resolution by village council; prepared e-mail to village council explaining order; and telephone conference with mayor Flinn regarding same.	0.40	74.00
5/23/2005	EAB	Drafted notice of filing zoning resolution in Alemar and notice of resolution of underlying dispute.	0.30	55.50
5/23/2005	EAB	Received and analyzed letter issued by Mr. Justo Atrio; and drafted response to Mr. Atrio.	0.40	74.00
5/24/2005	EAB	Finalized Atrio letter regarding zoning and building violations.	0.30	55.50
				3,422.50
			Total Professional Services	3,422.50

Rate Summary

Eve A. Boutsis	18.50 hours at \$185.00/hr	3,422.50
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Total hours:	18.50	3,422.50
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Disbursements

5/16/2005	Legal research	61.73
5/25/2005	Disbursements incurred - 2.0%	70.85
	For Professional Services	3,422.50
	For Disbursements Incurred	132.58
	Current Balance:	3,555.08
	Previous Balance:	9,742.27
	Payments - Thank you	0.00
	Total Due	13,297.35

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

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NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

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Miami, Florida 33133

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

May 25, 2005
Matter ID: 0293-004
Code Enforcement
Statement No. 17505

			Hours	Amount
5/2/2005	NDH	Received and reviewed Mr. White's e-mail re: Dunkin's Donut property and the resurfacing of the parking lot; left voice-message for Mr. White re: the same; received Mr. White's telephone call and conferred with Mr. White re: the same.	0.70	129.50
5/4/2005	NDH	Received phone call from resident, Mr. Alan Ressler re: the proper procedure to submit his \$75.00 administrative fee; contacted Ms. Weintraub re: the same; received return phone call from Ms. Weintraub's secretary, Jian, who explained the process; returned Mr. Ressler's phone call and provided the resident with the requested information.	0.80	148.00
5/16/2005	NDH	Participated in brief teleconference re: my attending the May 25, 2005 meeting with community development, car dealerships, and leasing companies.	0.20	37.00
5/25/2005	NDH	Attended and participated in the car dealership informational forum hosted by Ms. Weintraub; and briefly conferred with Ms. Boutsis re: the outcome of the event.	2.50	462.50
				<hr/>
			Total Professional Services	777.00

Rate Summary

Nakia D. Henry 4.20 hours at \$185.00/hr 777.00

Total hours: 4.20 777.00

Disbursements

5/11/2005	Mileage on 3/15/05 for Special Master Hearing (NDH).	8.64
5/11/2005	Mileage on 4/21/05 for Special Master Hearing at Perrine (NDH).	8.64
5/25/2005	Disbursements incurred - 2.0%	15.54

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For Professional Services	777.00
For Disbursements Incurred	32.82
	<hr/>
Current Balance:	809.82
Previous Balance:	698.19
Payments - Thank you	0.00
	<hr/>
Total Due	1,508.01

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

May 25, 2005
Matter ID: 0293-007
Old Cutler Presby. Church
Statement No. 17506

			Hours	Amount
4/27/2005	EAB	E-mail communications with Ms. Diane O'Quinn Williams regarding OCPC research.	0.20	37.00
5/4/2005	EAB	Telephone conference with Mr. Tucker Gibbs; and e-mail communications with Ms. O'Quinn Williams regarding OCPC.	0.40	74.00
5/6/2005	EAB	Telephone conference with Mr. John Shubin.	0.30	55.50
5/12/2005	EAB	E-mail communications with Ms. O'Quinn Williams regarding OCPC.	0.30	55.50
5/18/2005	EAB	Attention to litigation; and e-mail communications with Ms. O'Quinn Williams regarding same.	0.30	55.50
5/24/2005	EAB	Telephone conference with mayor Flinn regarding upcoming motion to dismiss; meeting with Ms. Weintraub regarding lot coverage; analyzed memoranda provided by Ms. O'Quinn Williams; and contacted Mr. Shubin and Mr. Gibbs.	0.70	129.50
5/25/2005	EAB	Email communications with Ms. Weintraub; telephone conference with Mr. Shubin, and telephone conference with Mr. Gibbs and coordinated settlement conferences.	1.00	185.00
				<hr/>
			Total Professional Services	592.00

Rate Summary

	Eve A. Boutsis	3.20 hours at \$185.00/hr	592.00
		<hr/>	<hr/>
	Total hours:	3.20	592.00
5/25/2005	Disbursements incurred - 2.0%		16.65

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For Professional Services	592.00
For Disbursements Incurred	16.65
	<hr/>
Current Balance:	608.65
Previous Balance:	719.44
Payments - Thank you	0.00
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Total Due	1,328.09

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

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NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

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Miami, Florida 33133

Telephone: (305) 854-5353

Facsimile: (305) 854-5351

May 25, 2005

Matter ID: 0293-010

Hurst v. Village of Palmetto Bay

Statement No. 17507

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

			Hours	Amount
4/27/2005	EAB	Attention to 60 day status report.	0.20	37.00
Total Professional Services				37.00

Rate Summary

Eve A. Boutsis	0.20 hours at \$185.00/hr	37.00
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Total hours: 0.20

For Professional Services	37.00
For Disbursements Incurred	0.00
Current Balance:	37.00
Previous Balance:	0.00
Payments - Thank you	0.00
Total Due	37.00

State Number: 17507

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