

RESOLUTION NO. 05-58

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 \$25,759.81; 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 July 27, 2005, in the amount of \$25,759.81; 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 \$25,759.81, copies of which are attached, are approved for payment.

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

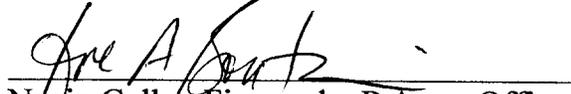
PASSED and ADOPTED this 1st day of August, 2005.

Attest:

  
Merghan 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>YES</u>

# NAGIN GALLOP FIGUEREDO<sup>PA.</sup>

*Attorneys & Counselors*

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

July 28, 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 July 27, 2005. The amounts due are as follows:

0293-001	Non-Retainer Legal Services <i>Statement No. 17715 dated 7/27/05</i>	Prof'l Services	\$	19,499.00
		Disbursements		1,584.58
		Total		21,083.58
0293-004	Code Enforcement <i>Statement No. 17716 dated 7/27/05</i>	Prof'l Services	\$	2,238.50
		Disbursements		44.77
		Total		2,283.27
0293-005	Real Property <i>Statement No. 17717 dated 7/27/05</i>	Prof'l Services	\$	55.50
		Disbursements		1.11
		Total		56.61
0293-007	Old Cutler Presbyterian Church <i>Statement No. 17718 dated 7/27/05</i>	Prof'l Services	\$	2,072.00
		Disbursements		226.61
		Total		2,298.61

Letter to Charles D. Scurr, Village Manager  
July 28, 2005  
Page 2 of 2

0293-011	Borhani v. Village of Palmetto Bay	Prof'l Services	\$	37.00
	<i>Statement No. 17719 dated 7/27/05</i>	Disbursements		.74
		Total		37.74
<b>TOTAL CURRENTLY DUE</b>				<b>\$ 25,759.81</b>

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<sup>PA.</sup>

*Attorneys & Counselors*

3225 Aviation Avenue, Suite 301

Miami, Florida 33133

Telephone: (305) 854-5353

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

July 27, 2005  
Matter ID: 0293-001  
General Municipal  
Statement No. 17715

			Hours	Amount
6/28/2005	EAB	Breakfast meeting with mayor Eugene Flinn and staff; telephone conference with Ms. Ana Garcia regarding park related items; and telephone conference with Mr. Charles Scurr on construction manager at risk contract and other pending items.	3.70	684.50
6/29/2005	EAB	Meeting with Ms. Judy Miller and Mr. Jorge Vera to continue revising proposed LDC; meeting with Mr. Scurr and council person Neidhart on pending items; meeting with Mr. Scurr regarding parks, constructions manager at risk contract, and various other pending items; and telephone conference with mayor Flinn.	4.00	740.00
6/30/2005	EAB	Telephone conferences with Ms. Yudi Piniero, mayor Flinn, Mr. Scurr, Mr. Ed Gorin, and Mr. Gary Alan Ruse; meeting with Ms. Arleen Weintraub regarding car dealership zoning applications, Atrio sign regulation matter, LDC updates, and several zoning procedures; and meeting with Mr. Scurr regarding pending items.	6.00	1,110.00
7/1/2005	EAB	Telephone conferences with Ms. Piniero and Mayor Flinn.	0.60	111.00
7/6/2005	EAB	Attended meeting with Mr. Ron Williams and staff regarding re-issuing professional RFQ's; meeting with Ms. Weintraub regarding sign ordinance, Atrio matter and pending projects; lunch meeting with Mr. Scurr; attended library kick-off meeting; and attended COW meeting.	8.00	1,480.00
7/7/2005	LRF	E-mail to Ms. Meighan Pier regarding revision to proposed sex offender ordinance.	0.20	37.00
7/7/2005	LRF	Conference with Ms. Eve Boutsis regarding matter related to draft of the LDC.	0.80	148.00
7/7/2005	EAB	Attention to P&Z matter regarding declarations of restrictions; e-mail communications with Ms. Miller regarding same; finalized B&A contract; telephone conferences with Ms. Olga Cadaval regarding B&A contract; telephone conference with Ms. Garcia regarding Jane Foreman contract; and telephone conference with mayor Flinn.	2.00	370.00

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.

7/8/2005	EAB	E-mail communications with Ms. Miller regarding P&Z policy and declaration of restrictions and restrictive covenants; e-mail communications with Ms. Tonya Karcher regarding Publix Park; drafted boiler plate construction manager at risk contract; and edited parks rules ordinance.	3.70	684.50
7/10/2005	EAB	Analyzed agenda in anticipation of meeting.	1.50	277.50
7/11/2005	EAB	Telephone conference with Ms. Weintraub and Ms. Pier regarding CDMP hearing, adoption of CDMP, notice requirements for adoption, coordinated meeting with consultants to go over ORC response; research of county code for Mr. Matt Noonkester; and e-mail communications with Mr. Noonkester regarding historic designation of Old Cutler Road.	0.70	129.50
7/11/2005	EAB	Prepared for and attended village council meeting.	4.00	740.00
7/12/2005	EAB	Analyzed draft response to ORC report issued by FDCA.	2.00	370.00
7/12/2005	EAB	Attended meeting with FPL representatives and village staff regarding line clearing ordinance; telephone conferences with staff and consultant regarding preparation of response to ORC report; telephone conferences with Mayor Flinn regarding pending items; and meeting with Mr. Scurr and Ms. Weintraub regarding ORC and FPL.	6.70	1,239.50
7/13/2005	LRF	Meeting with Ms. Boutsis, and village staff regarding proposed adult facility in Palmetto Bay.	2.00	370.00
7/13/2005	LRF	Teleconference with mayor Flinn regarding contractor request for meeting.	0.30	55.50
7/13/2005	EAB	Attention to park and school related items; drafted public record request; attended meeting with representatives of Palmetto Bay Village Center and village staff; meeting with Mr. Scurr and Ms. Weintraub regarding further revisions to ORC response; e-mail communications with Mr. Noonkester; analyzed additional revisions to draft ORC report; conducted legal research regarding historic designation of Old Cutler Road; telephone conference with Ms. Anita Komboulou, village resident; telephone conference with mayor Flinn regarding COW meeting; telephone conference with Mr. Vera regarding LDC; responded to e-mail inquiry by Mr. Vera regarding "pods" ordinance; attention to Atrio matter and correspondence from village staff regarding sign permit records for the site; finalized public records requests; and finalized Forman letter.	6.00	1,110.00
7/14/2005	LRF	Reviewed response to Mr. Jerry Proctor regarding lobbying issues.	0.30	55.50
7/14/2005	EAB	Analyzed county bond draft agreement and rules; provided comments to staff; attention to county draft sexual predator legislation; attention to Atrio matter; attention to park related items; attention to B&A letter regarding Wayside contract and provided comments to Mr. Eddie Lamas; e-mail communications with county	4.70	869.50

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library staff; provided comments to Mr. Noonkester on Old Cutler Road designation and traffic policy contained within the CDMP; analyzed lobbying code and section 286.0111, Fla. Stat; telephone conference with Ms. Garcia and Ms. Cadaval regarding B&A contract; finalized letter to Mr. Robert Rossano regarding Forman contract; and telephone conferences with mayor Flinn regarding pending items.

7/15/2005	EAB	Attention to library and park parking easement with Palmetto Bay Village Center; provided comments regarding same to Mr. Scott Silver; telephone conference with mayor Flinn regarding various methods of mitigating mitigation; e-mail communications with Mr. Lamas of B&A; continued to edit and revise parks rules ordinance; telephone conference with Mr. Rossano; attention to sign ordinance issues raised by Florida League; telephone conference with Mayor Flinn regarding proposed Florida legislation; e-mail communications with Ms. Tonya Karcher regarding Publix Park; follow up again with Mr. Silver; and telephone conference with Mr. Scurr regarding COW, legislation, and pending items.	4.20	777.00
7/16/2005	EAB	Telephone conferences with mayor Flinn regarding pending items.	0.90	166.50
7/18/2005	EAB	E-mail communications with Mr. Proctor regarding Village Center Mixed Use; e-mail communications with Mr. Henry Iler regarding ORC response; e-mail communications with Ms. Weintraub regarding ORC meeting, Mr. Atrio and draft sign ordinance; attention to COW agenda and attachments thereto; analyzed revised ORC response and prepared for meeting with DCA; and e-mail communications with Mr. Ramon Ferrer and FPL staff regarding draft utility line clearing ordinance.	2.20	407.00
7/18/2005	EAB	Meeting with Mr. Raul Rodriguez and Mr. Scurr regarding unsafe structure item; meeting with Ms. Weintraub regarding sign/banner ordinance and Atrio matter; and meeting with DCA representatives, Ms. Weintraub, and Mr. Noonkester regarding response to ORC report.	5.00	925.00
7/19/2005	EAB	Telephone conference with Ms. Weintraub and Mr. Scurr regarding CDMP and Mr. Proctor's request; e-mail communication with Mr. Proctor regarding request for meeting and attention to lobbying related inquiry; e-mail communications with M-D County library staff regarding plans for library; e-mail communications with Mr. Ferrer; telephone conference with Marlene of FPL regarding line clearing ordinance; attention to county proposed ordinance to rescind portion of 5 cent gas tax; further attention to CDMP and changes in Growth Management legislation; telephone conference with Mr. Jim McKee, state legislative staff regarding increasing misdemeanor to felony for park trespass by sexual predators; attention to baseball agreement and COW agenda; finalized parks rules ordinance; attention to e-mails by Mr. Lamas regarding B&A contract; and provided direction to staff regarding GOB agreement.	1.90	351.50
7/19/2005	EAB	Telephone conference with Mr. Scurr regarding special master hearings; and coordinated process for streamlining and improving	1.00	185.00

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		special master process.		
7/19/2005	EAB	Prepared for and attended COW meeting.	3.50	647.50
7/20/2005	LRF	Conference with Ms. Boutsis regarding Mr. Proctor's proposed amendment to CDMP and request to meet with council members.	0.90	166.50
7/20/2005	EAB	Attended meeting with village staff regarding Professional RFQ preparation; attended meeting with Mr. Scurr, Mr. Rodriguez and Ms. Weintraub regarding unsafe structures and code enforcement related items; prepared for unsafe structure related meeting; analyzed charter and county code related to code enforcement issues; attention to Palmetto Bay Village Center and CDMP related items; e-mail communications with the village council and Mr. Proctor regarding CDMP; and e-mail communications with mayor Flinn.	4.50	832.50
7/20/2005	EAB	Telephone conference with mayor Flinn.	0.30	55.50
7/21/2005	LRF	Reviewed clearing ordinance and utility regulations; conference with Ms. Boutsis.	0.90	166.50
7/21/2005	EAB	Attended breakfast meeting with mayor Flinn and Mr. Lamas; and attended meeting at SFWMD with staff and mayor Flinn.	3.40	629.00
7/21/2005	EAB	Attention to and analyzed re-revised CDMP/ORC response; attention to RFP 05-0001 and inquiry by Ms. Cadaval; prepared by Mr. Noonkester; attention to title report for Haas property; analyzed American National Electric Standards for FPL, and all FPL policies related to line clearing; and revised FPL line clearing ordinance.	3.20	592.00
7/22/2005	EAB	Telephone conference with property appraiser's office regarding tax exemption and appeal of Haas property tax exemption denial; finalized FPL ordinance; obtained tax exemption; attention to vendor contracts; attention to tile search for Haas property; and telephone conferences with mayor Flinn and Mr. Scurr.	2.50	462.50
7/25/2005	EAB	Analyzed and edited proposed chapters 1-4 of LDC.	2.70	499.50
7/26/2005	LRF	Conference with Ms. Boutsis to review drafts to land development code.	1.00	185.00
7/26/2005	EAB	Meetings with Ms. Weintraub, council persons Neidhart, Feller, and vice mayor Robinson regarding ORC report; meeting with Mr. Scurr regarding pending items, ORC report, and Forman contract; telephone conference with Ms. Garcia regarding Forman matter.	4.00	740.00
7/26/2005	EAB	Email communications with Mr. Ferrer of FPL; and continued edits to line clearing ordinance; attention to special master forms and procedures with Ms. Weintraub and Ms. Henry; and attention to title search and telephone conference with Trust for Public Land regarding Haas property.	1.40	259.00
7/27/2005	EAB	Meeting with Ms. Miller and Mr. Vera regarding revisions to LDC; and meeting with Ms. Nancy Rubin at MDC regarding declarations of restrictions; and telephone conference with resident Ms.	4.30	795.50

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Robinson regarding 7860 SW 173 Terrace.

7/27/2005	EAB	Email communications with Mr. Ferrer and Dr. Feller regarding line clearing ordinance.	0.40	74.00
			<hr/>	
			Total Professional Services	19,499.00

**Rate Summary**

Luis R. Figueredo	6.40 hours at \$185.00/hr	1,184.00
Eve A. Boutsis	99.00 hours at \$185.00/hr	18,315.00
		<hr/>
Total hours:	105.40	19,499.00

**Disbursements**

6/29/2005	Mileage	3.60
6/30/2005	Database Legal research	318.57
6/30/2005	Database Legal research	755.37
6/30/2005	Database Legal research	5.41
7/11/2005	Parking Charge - Attendance at County meetings re: library on 6/15/05	12.00
7/11/2005	Tolls - Travel to meeting at VPB on 5/5/05	1.25
7/11/2005	Parking Charge - Attendance at meeting to discuss ORC report at Maria Crowley's office on 6/22/05	12.00
7/13/2005	Mileage Reimbursement to EAB for various VPB meetings (Council meetings on 4/11/05, 5/2/05, 6/22/05 and 7/11/05; COW meetings on 04/20/05, 5/11/05 and 7/6/05; zoning meeting on 6/13/05 and Village meetings on 6/29/05 and 6/30/05)	86.40
7/27/2005	Disbursements incurred - 2.0%	389.98

**Payments and Credits**

7/26/2005	Check No. 3406	33,640.62
		<hr/>
		33,640.62

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For Professional Services	19,499.00
For Disbursements Incurred	1,584.58
	<hr/>
Current Balance:	21,083.58
Previous Balance:	33,640.62
Payments - Thank you	33,640.62
	<hr/>
<b>Total Due</b>	<b>21,083.58</b>

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

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.

# NAGIN GALLOP FIGUEREDO<sup>PA.</sup>

*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

July 27, 2005  
Matter ID: 0293-004  
Code Enforcement  
Statement No. 17716

			Hours	Amount
7/18/2005	NDH	Brief teleconference with Mr. Luis Carcamo at Code Enforcement re: the upcoming meeting; and reviewed code enforcement agenda.	1.20	222.00
7/19/2005	NDH	Reviewed special master agenda; attended special master hearing, conferred with Ms. Eve Boutsis re: the same; received and reviewed e-mail re: the Calazo for Mr. Allen White; and researched whether MDC ordinance was adopted by the Village.	5.00	925.00
7/20/2005	NDH	Continued researching the adoption of the Miami-Dade County ordinances by the Village; conferred with Ms. Boutsis re: same; prepared e-mail to Village, as requested by Ms. Boutsis; and drafted the case brief, checklist and mediation agreement.	3.60	666.00
7/21/2005	NDH	Completed and discussed the draft case brief, checklist and mediation agreement with Ms. Boutsis.	0.80	148.00
7/22/2005	NDH	Reviewed deferred code compliance actions; sent e-mail to Ms. Boutsis re: the potential settlement of the matters; received response from Ms. Boutsis; contacted Village code compliance re: the same; specifically discussed Calazo case with code compliance; and left voice-message for Mr. Eli Gutierrez re: the Suarez matter.	1.50	277.50
			<b>Total Professional Services</b>	<b>2,238.50</b>

## Rate Summary

Nakia D. Henry 12.10 hours at \$185.00/hr 2,238.50

Total hours: 12.10 2,238.50

7/27/2005 Disbursements incurred - 2.0% 44.77

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**Payments and Credits**

7/26/2005	Check No. 3406	1,734.45
		<hr/>
		1,734.45
	For Professional Services	2,238.50
	For Disbursements Incurred	44.77
		<hr/>
	Current Balance:	2,283.27
	Previous Balance:	1,734.45
	Payments - Thank you	1,734.45
		<hr/>
	<b>Total Due</b>	<b>2,283.27</b>

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

# NAGIN GALLOP FIGUEREDO<sup>PA.</sup>

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

July 27, 2005  
Matter ID: 0293-005  
Real Property  
Statement No. 17717

			Hours	Amount
6/29/2005	EAB	Provided easement agreement to Mr. Scott Silver and Mr. Jerry Proctor for library parking easement; and communications with Mr. Proctor regarding same.	0.30	55.50
				55.50
Total Professional Services				55.50

## Rate Summary

Eve A. Boutsis	0.30 hours at \$185.00/hr	55.50
Total hours:		0.30
		55.50

7/27/2005	Disbursements incurred - 2.0%	1.11
	For Professional Services	55.50
	For Disbursements Incurred	1.11
		56.61
	Current Balance:	56.61
	Previous Balance:	0.00
	Payments - Thank you	0.00
		56.61
<b>Total Due</b>		<b>56.61</b>

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

July 27, 2005  
Matter ID: 0293-007  
Old Cutler Presby. Church  
Statement No. 17718

			Hours	Amount
6/27/2005	EAB	Telephone conferences with Mr. John Shubin, Mr. Tucker Gibbs, mayor Eugene Flinn, council person Ed Feller, and Mr. Charles Scurr regarding settlement.	3.00	555.00
6/28/2005	EAB	Drafted notice of intent to file motion for fees pursuant to section 57.105, Florida Statutes; and telephone conference with mayor Flinn regarding same.	2.70	499.50
6/29/2005	EAB	Finalized notice of intent to file motion for sanctions and fees; telephone conference with Mr. Gibbs regarding same; telephone conference with Ms. Yudi Piniero of the Miami Herald; communication with Ms. Diane O'Quinn Williams; coordinated meeting with Mr. Shubin; and e-mail communication with council regarding fees motion.	1.20	222.00
7/6/2005	EAB	Attended meeting with Mr. Scurr and Mr. Shubin regarding OCPC site.	2.00	370.00
7/8/2005	EAB	Communications with Mr. Gibbs to set up conference; and telephone conference with Ms. O'Quinn Williams.	0.20	37.00
7/20/2005	EAB	Attention to litigation and communication with Mr. Gibbs regarding same.	0.20	37.00
7/25/2005	EAB	Meeting with Mr. Tucker Gibbs regarding possible settlement of attorney's fees; and telephone conference with mayor Flinn regarding same.	1.50	277.50
7/26/2005	LRF	Conference with Ms. Eve Boutsis regarding OCPC.	0.40	74.00
				<hr/>
			Total Professional Services	2,072.00

## Rate Summary

Luis R. Figueredo

0.40 hours at \$185.00/hr

74.00

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Eve A. Boutsis	10.80 hours at \$185.00/hr	1,998.00
	Total hours: 11.20	2,072.00

**Disbursements**

6/28/2005	Parking Charge	4.00
6/30/2005	Database Legal research	181.17
7/27/2005	Disbursements incurred - 2.0%	41.44

**Payments and Credits**

7/26/2005	Check No. 3406	2,891.92
		2,891.92

For Professional Services	2,072.00
For Disbursements Incurred	226.61

Current Balance: 2,298.61

Previous Balance: 2,891.92

Payments - Thank you 2,891.92

**Total Due** **2,298.61**

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

