

RESOLUTION NO. 05-83

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 \$17,778.66; 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 October 31, 2005, in the amount of \$17,778.66; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

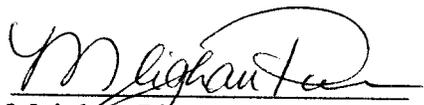
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The statements for attorneys' fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$17,778.66, copies of which are attached, are approved for payment.

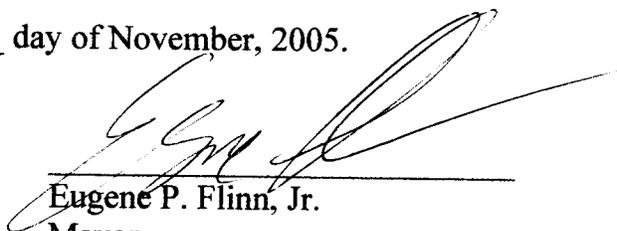
Section 2. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 7th day of November, 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	<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

Telephone: (305) 854-5353

18001 Old Cutler Road – Suite 556
Miami, Florida 33157-6416

Facsimile: (305) 854-5351

November 3, 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:

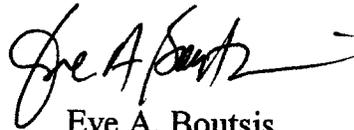
Enclosed are our statements for professional services rendered and for costs advanced for the period ending October 31, 2005. The amounts due are as follows:

0293-001	Non-Retainer Legal Services <i>Statement No. 17914 dated 10/31/05</i>	Prof'l Services	\$	10,933.50
		Disbursements		298.35
		Total		11,231.85
0293-002	Zoning Applications <i>Statement No. 17915 dated 10/31/05</i>	Prof'l Services	\$	1,554.00
		Disbursements		31.08
		Total		1,585.08
0293-004	Code Enforcement <i>Statement No. 17916 dated 10/31/05</i>	Prof'l Services	\$	5,106.00
		Disbursements		-144.27
		Total		4,961.73
	TOTAL CURRENTLY DUE		\$	17,778.66

Letter to Charles D. Scurr, Village Manager
November 3, 2005
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", with a horizontal line extending to the right.

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

October 31, 2005
Matter ID: 0293-001
General Municipal

Invoice Number 17914

			Hours	Amount
9/7/2005	LRF	Conference call with councilperson John Breder and Mr. Charles Scurr regarding Publix and city hall.	1.80	333.00
9/15/2005	LRF	Conference with Ms. Eve A. Boutsis regarding question concerning FMLC loan to Village of Palmetto Bay.	0.50	92.50
9/22/2005	LRF	Worked on Village Hall letter to ethics commission; conference with Ms. Boutsis regarding same.	1.20	222.00
9/28/2005	CVH	Completed research regarding possible state common law claims; and began drafting memorandum outlining the various potential causes of action and why each cannot be used.	2.00	370.00
9/28/2005	EAB	Attention to Ethics Opinion; telephone conference with Mr. Joe Centorino of the Florida State Attorney's office; telephone conference with council person John Breder; analyzed minutes and recommendation of village hall committee; and revised letter to Mr. Centorino and Mr. Robert Meyers.	2.30	425.50
9/28/2005	EAB	Revised and edited letter to Msrs. Meyers and Centorino.	3.00	555.00
9/29/2005	LRF	Conference with Ms. Boutsis regarding safety issue concerning Southwood; and worked on Palmetto Bay Village Center conflicts letter.	2.90	536.50
9/29/2005	EAB	Reviewed and revised draft ordinances (codesignating streets) and school traffic resolution and provided comments to staff regarding same; attention to Caribbean Festival Miami; telephone conference with Mr. Marlon Hill regarding same; telephone conferences with mayor Eugene Flinn and Mr. Scurr regarding festival and school traffic issues; drafted letter to Mr. Hill regarding conditions for permit; and telephone conferences with Mr. Hill.	2.60	481.00
9/30/2005	CVH	Drafted additional section of memorandum on potential causes of action for domain name dispute.	0.50	92.50
9/30/2005	LRF	Reviewed county regulations relating to Unity of Title and covenants in lieu thereof; conference with Ms. Boutsis regarding	4.00	740.00

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.

		same; finalized letter to Ethic's commission; and conference with Ms. Boutsis regarding zoning matters.		
9/30/2005	EAB	Email communications with council person Breder; continued drafting letter to Mssrs. Centorino and Meyers; and telephone conference with Mr. Centorino's office; follow up conference with Mr. Centorino; telephone conference with Mr. Scurr regarding same; telephone conference with council person Breder; and finalized letter to Mssrs. Centorino and Meyers.	1.70	314.50
10/1/2005	EAB	Attention to eminent domaine issue; and telephone conference with Mr. Scurr and Dr. Ed Feller regarding same.	0.30	55.50
10/3/2005	EAB	Meeting with Mr. Scurr regarding proposed sites for village hall; eminent domaine and agenda items; email communication with Mayor Flinn regarding senior citizen ad valorem discount; attention to eminent domaine matter and library agreement; telephone conference with mayor Flinn; and analyzed agenda in anticipation of upcoming meeting.	2.30	425.50
10/5/2005	EAB	Meeting with Mr. Jorge Vera, Ms. Arleen Weintraub and Ms. Judy Miller regarding LDC; meeting with Mr. Scurr regarding pending items and tonight's agenda; telephone conference with Mr. Scurr and mayor Flinn regarding same; telephone conference with Comm'n on Ethics; analyzed agenda and ch. 28, MDC relating to waiver of plat; telephone conference with Mr. Scurr; and drafted add-on resolution regarding parcel near Perrine Park.	4.40	814.00
10/5/2005	EAB	Attended council meeting.	2.50	462.50
10/6/2005	EAB	Attended meeting with Mr. Figueredo, Mr. Scurr, and Ms. Weintraub regarding PBVC; attention to racquetball court matter; revisions to architectural contracts; and telephone conference with mayor Flinn regarding agenda and pending matters.	2.00	370.00
10/7/2005	EAB	Attention to diabetes solicitation by entity naming Palmetto Bay in advertisement; and attention to "abandoned" parcel in VPB and code enforcement related issues; provided direction to staff regarding same.	0.60	111.00
10/10/2005	EAB	Attention to MSTF; telephone conferences with mayor Flinn regarding pending items; analyzed emails forwarded by mayor Flinn; and email communications with mayor Flinn and Mr. Scurr to schedule staff meeting.	0.50	92.50
10/10/2005	EAB	Began analysis of Historic Preservation ordinances (county, and municipal) in anticipation of drafting ordinance for LDC.	2.00	370.00
10/11/2005	EAB	Attention to pending assignments.	0.40	74.00
10/11/2005	EAB	Meeting with Mr. Scurr regarding pending items and projects.	0.50	92.50
10/12/2005	EAB	Attention to GOB bond contract issue; attention to Foreman tennis contract; emails issued by Ms. Foreman and staff; and notified Ms. Foreman of lobbying registration requirement.	0.60	111.00

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.

10/12/2005	EAB	Attention to abandoned property files; telephone conference with Mr. Scurr, Mr. Raul Rodriguez, and Ms. Weintraub regarding abandoned properties; telephone conference with Ms. Victoria Frigo of MDCCE; and telephone conference with mayor Flinn regarding Forman tennis contract.	1.30	240.50
10/13/2005	EAB	Drafted letter to appraiser; telephone conference with councilperson Breder and Mr. Scurr regarding appraiser; telephone conference with Ms. Frigo of MDCCE; drafted general release regarding racquetball courts Ms. Tonya Karcher of Publix; and telephone conference with mayor Flinn.	1.30	240.50
10/14/2005	EAB	Attention to code enforcement related items with Ms. Nakia Henry and Mr. Alan White.	0.20	37.00
10/17/2005	EAB	Finalized Publix park purchase and sale agreement; telephone conference with Ms. Frigo regarding MDCCE opinion; telephone conference with Mr. Scurr, Mr. Breder, and Mayor Flinn; analyzed MDC 33-257, re: unity of title and public disposition of property.	2.00	370.00
10/18/2005	EAB	Analyzed MFTS binder and finalized PB MFTS resolution.	3.00	555.00
10/18/2005	EAB	Prepared for COW meeting; and telephone conference with mayor Flinn regarding COW meeting.	1.70	314.50
10/19/2005	EAB	Meeting with staff at village hall re: LDC; attention to ROW issue raised by resident, Mr. Bob Stevens; email communications with Mr. Ron Williams and Ms. Weintraub regarding same; and attention to line clearing ordinance.	1.30	240.50
10/19/2005	EAB	Prepared for and attended COW meeting.	4.00	740.00
10/20/2005	EAB	Telephone conference with mayor Flinn regarding after action on COW meeting; email communication with Ms. Olga Cadaval regarding signs for playground; and telephone conference with and email communication with Ms. Frigo regarding opinion request.	0.40	74.00
10/21/2005	EAB	Analyzed draft opinion by MDCCE; and provided comments/revisions to opinion; provided same to Mr. Scurr and council.	0.60	111.00
10/28/2005	EAB	Attention to MDCCE letter; and email communications with Ms. Frigo regarding opinion.	0.40	74.00
10/31/2005	EAB	Attention to LDC; attention to zoning meeting and notice requirements; telephone conferences with Ms. Weintraub and Mr. Scurr; analyzed draft FPL ordinance, revised same; and provided comments to Mr. Ramon Ferrer and staff regarding concerns over draft ordinance; telephone conference with Mr. Jesus Davila; and telephone conference with Ms. Marciliano regarding ROW issue referred to village attorney by building staff; telephone conference with Ms. Weintraub regarding same.	2.30	425.50
10/31/2005	EAB	Meeting with Ms. Weintraub and Mr. Rodriguez regarding lot coverage issue as to single family home application in EU-1;	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.

meeting with Ms. Garcia and Ms. Cadaval regarding VPB
Hurricane Relief Camp.

Total Professional Services 10,933.50

Rate Summary

Catherine A. Van Horn	2.50 hours at \$185.00/hr	462.50
Luis R. Figueredo	10.40 hours at \$185.00/hr	1,924.00
Eve A. Boutsis	46.20 hours at \$185.00/hr	8,547.00

Total hours:	<u>59.10</u>	<u>10,933.50</u>
--------------	--------------	------------------

Disbursements

8/15/2005	Database Legal research	59.59
9/23/2005	Courier charge	20.09
10/31/2005	Disbursements incurred - 2.0%	218.67

Payments and Credits

10/31/2005	Check No. 3712	14,956.52
10/11/2005	Check No. 3573	19,686.34

34,642.86

For Professional Services	10,933.50
---------------------------	-----------

For Disbursements Incurred	298.35
----------------------------	--------

Current Balance:	<u>11,231.85</u>
------------------	------------------

Previous Balance:	34,642.86
-------------------	-----------

Payments - Thank you	34,642.86
----------------------	-----------

Total Due	<u>11,231.85</u>
------------------	-------------------------

To be properly credited, please indicate Invoice 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^{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

October 31, 2005
Matter ID: 0293-002
Zoning Applications

Invoice Number 17915

			Hours	Amount
9/16/2005	LRF	Teleconference with Mr. Proctor regarding Village Center.	0.40	74.00
9/22/2005	LRF	Conference with Ms. Boutsis regarding zoning questions relating to Bank Atlantic Zoning.	0.80	148.00
9/27/2005	LRF	Conference with Ms. Boutsis regarding Unity of Title regulations.	0.50	92.50
9/28/2005	LRF	Review county resolutions concerning Burger King property in response to Mr. Proctor's request to convert Unity of Title to covenant; and conference with Ms. Boutsis regarding same.	2.40	444.00
9/29/2005	EAB	Analyzed PBVC resolutions and covenants in relation to request by Mr. Jerry Proctor regarding declaration of restrictions in lieu of unity of title.	2.50	462.50
9/30/2005	EAB	Attention to Bank Atlantic zoning change request; email communications with attorney and MDC staff regarding zoning change; and coordinated meetings with staff and Mr. Proctor regarding PBVC request.	0.30	55.50
10/11/2005	EAB	Meeting with Mr. Proctor, Mr. Scurr, Mr. Figueredo, Mr. Scott Silver, and Ms. Weintraub regarding PBVC.	1.50	277.50
			Total Professional Services	1,554.00

Rate Summary

Luis R. Figueredo	4.10 hours at \$185.00/hr	758.50
Eve A. Boutsis	4.30 hours at \$185.00/hr	795.50
Total hours:	8.40	1,554.00

10/31/2005 Disbursements incurred - 2.0% 31.08

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.

Payments and Credits

10/31/2005	Check No. 3712	584.97
		<hr/>
		584.97
	For Professional Services	1,554.00
	For Disbursements Incurred	31.08
		<hr/>
	Current Balance:	1,585.08
	Previous Balance:	584.97
	Payments - Thank you	584.97
		<hr/>
	Total Due	1,585.08

To be properly credited, please indicate Invoice 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^{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

October 31, 2005
Matter ID: 0293-004
Code Enforcement
Invoice Number 17916

			Hours	Amount
9/12/2005	NDH	Received from Mr. Luis Carcamo re: the upcoming special master hearing; returned the phone call and conferred with Luis re: outstanding issues, including Mr. Gutierrez's upcoming cases; reviewed e-mail from Mr. Alan White re: the status of the Kabick property; left voice-message for Mr. White re: the same; received and reviewed e-mail from Ms. Boutsis re: the Kabick final order; conferred with assistant re: the same; and responded to e-mail re: the same.	1.80	333.00
9/16/2005	NDH	Received and reviewed e-mail from Mr. Borell re: the Kabick property; e-mailed Mr. Borell re: the upcoming meeting and notice; and telephone conference with Mr. Borrell.	0.50	92.50
9/27/2005	NDH	Reviewed and analyzed e-mail re: demolition of property; and e-mailed Mr. Carcamo with response to inquiry.	0.40	74.00
9/29/2005	NDH	Attention to demolition of property located at 14725 SW 83rd Ave; and attention to notices issued to residents represented by attorneys.	1.00	185.00
9/30/2005	EAB	Attention to and analyzed issue of adult book store and code enforcement related issues; attention to Mr. Hill's ordinance request; and telephone conference with Mr. Scurr regarding eminent domaine issue.	0.60	111.00
9/30/2005	NDH	Teleconference with Officer White re: costs and calculations for the adult bookstore matter; received and reviewed e-mail from Officer White re: the same.	1.40	259.00
10/5/2005	NDH	Received and returned Mr. Enez' voicemail re: property located at 14725 SW 83rd Street; received and responded to Mr. White's e-mail inquiry into the adultbook store; received, reviewed agenda, and prepared for next special master hearing.	1.00	185.00
10/6/2005	NDH	Attention to code compliance issue raised by officer White.	0.30	55.50
10/7/2005	NDH	Conferred with Officer White re: the adult bookstore permit issue; attention to other code compliance matters; attention to code	1.40	259.00

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.

		compliance issue from Ms. Weintraub re: abandoned house; and attention to structural damage issue for property with Mr. Inez in the building department.		
10/10/2005	NDH	Left message for Ms. Weintraub re: the abandoned property that is located at 9220 SW 165th Street; and conferred with Ms. Weintraub.	0.50	92.50
10/11/2005	NDH	Briefly conferred with Ms. Weintraub re: the status of the abandoned property located at 9220 SW 165th Street.	0.30	55.50
10/12/2005	NDH	Attention to follow up on compliance of the Kabick property; telephone conference with Mr. Borell to discuss the status of the sale and tax liens; e-mailed Mr. Borell re: the same; and telephone conference with Officer White re: the compliance status of the Kabick property.	1.00	185.00
10/12/2005	NDH	Attention to code compliance issues, including the Jaguar and landscape code compliance issues.	0.60	111.00
10/13/2005	NDH	Reviewed documents and prepared file memorandum on open code compliance issues.	0.80	148.00
10/14/2005	NDH	Meeting with Officer White in preparation of new special master hearing; and conferred with Officer White re: bookstore issue.	4.60	851.00
10/17/2005	NDH	Conferred with Mr. Carcamo re: upcoming special master hearing and open issues; conferred with Mr. Gutierrez's present employer to request his presence at our upcoming meeting; e-mailed Mr. Gutierrez's employer, as requested; and reviewed code compliance files in preparation for tomorrow's hearing.	2.20	407.00
10/18/2005	NDH	Prepared for special master hearing and meeting with special master re: procedure; conferred with Mr. Calazo re: possible continuance for upcoming special master hearing; conferred with code compliance re: the same; attended lunch meeting with Special Master re: procedure; and attended special master hearing.	7.00	1,295.00
10/19/2005	NDH	Attention to outstanding issues that arose during the Special Master hearing; and brief attention to the injunction for abandoned property and meeting notes from meeting with Mr. Doody.	1.00	185.00
10/30/2005	NDH	Attention to the emergency motion to enter the premises in the Blanca matter.	1.20	222.00
			Total Professional Services	5,106.00

Rate Summary

Eve A. Boutsis	0.60 hours at \$185.00/hr	111.00
Nakia D. Henry	27.00 hours at \$185.00/hr	4,995.00

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.

	Total hours:	27.60	5,106.00
Disbursements			
8/10/2005	Database Legal research		8.61
9/28/2005	Filing fee		-255.00
10/31/2005	Disbursements incurred - 2.0%		102.12
Payments and Credits			
10/31/2005	Check No. 3712		1,226.55
10/11/2005	Check No. 3573		6,078.84
			7,305.39
	For Professional Services		5,106.00
	For Disbursements Incurred		-144.27
	Current Balance:		4,961.73
	Previous Balance:		7,305.39
	Payments - Thank you		7,305.39
			4,961.73
		Total Due	4,961.73

To be properly credited, please indicate Invoice 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.