

RESOLUTION NO. 06-13

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 \$20,439.01; 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 January 27, 2006, in the amount of \$20,439.01; 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:

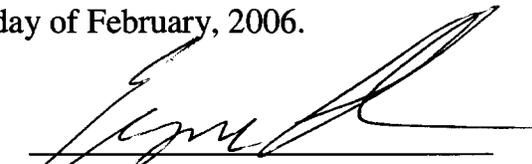
Section 1. The statements for attorneys' fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$20,439.01, copies of which are attached, are approved for payment.

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

PASSED and ADOPTED this 6 day of February, 2006.

Attest:

  
Meighan Pier  
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 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<sup>P.A.</sup>

*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

January 27, 2006  
Matter ID: 0293-001  
General Municipal  
Invoice Number 18247

			Hours	Amount
12/15/2005	LRF	Conference with Ms. Eve Boutsis re: Jane Forman Contract ; reviewed e-mails re: same.	0.50	92.50
12/15/2005	LRF	Reviewed appraisal for the Perrine Park matter; and conference with Ms. Eve Boutsis re: same.	0.70	129.50
12/16/2005	LRF	Conference with Ms. Eve Boutsis re: issues relating to the Jane Forman Contract.	0.50	92.50
12/19/2005	LRF	Attended meetings with Mr. Charles D. Scurr re: county commission response to the municipalities efforts to eliminate mitigation payments to the county.	2.00	370.00
1/3/2006	CVH	Received e-mail from Ms. Boutsis forwarding e-mail from Village regarding another Palmetto Bay Web site; reviewed www.palmettobayresidents.com Web site and analyzed same for possible legal objections by Village; sent e-mail to Ms. Boutsis analyzing Web site in light of prior memorandum and concluding that same analysis applies.	0.40	74.00
1/3/2006	EAB	Telephone conferences with mayor Eugene Flinn regarding energy summit; telephone conference with Mr. Scurr; telephone conference with Ms. Maria Davis regarding energy summit; analyzed and commented on grant agreement and consultant agreement with nonprofit; email communications with Mr. Robert Rossano regarding Forman matter; follow up on pending items; attention to LDC matters; and email communications with village council regarding Forman matter.	4.50	832.50
1/3/2006	EAB	Attention to Zurqui contract and email communications with Mr. Eddy Rodriguez regarding same; and attention to ROW issue.	0.40	74.00
1/4/2006	EAB	Telephone conference with mayor Flinn and email communications with council persons John Breder and Paul Neidhart regarding Forman matter; attention to code enforcement related items; telephone conference with mayor Flinn regarding upcoming agenda and pending citizen inquiries.	0.60	111.00

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1/5/2006	EAB	Analyzed draft resolution; and telephone conference with Mr. Scurr regarding pending agenda items; and email communications with Mr. Rossano regarding Forman matter.	0.40	74.00
1/5/2006	EAB	Attended staff meeting; meeting with Ms. Pier regarding agenda items; meeting with Mr. Scurr and mayor Flinn regarding upcoming items; and telephone conference with council person Breder regarding pending items.	1.30	240.50
1/6/2006	EAB	Meeting with mayor Flinn regarding agenda items; meeting with mayor Flinn and Mr. Scurr on assignments and agenda items.	2.50	462.50
1/6/2006	EAB	Telephone conference with Mr. Rossano regarding Forman matter; and provided update to Mr. Scurr and mayor Flinn.	0.60	111.00
1/8/2006	EAB	Attention to and reviewed MDC Comm'n video tape on mitigation; telephone conference with Dr. Feller regarding upcoming agenda; and telephone conference with Mr. Scurr regarding agenda and construction managers at risk contracts.	2.50	462.50
1/9/2006	EAB	Analyzed agenda in preparation for upcoming meeting; telephone conference with Mr. Rossano; and attention to Duenas unemployment claim.	2.70	499.50
1/9/2006	EAB	Telephone conferences with Mr. Rossano and Mr. Scurr regarding Forman matter.	0.40	74.00
1/9/2006	EAB	Telephone conferences with Dr. Feller regarding agenda; telephone conference with Mr. Scurr and mayor Flinn regarding same; and attended village council meeting.	2.50	462.50
1/10/2006	HJM	Received and reviewed documents from client; and telephone conference regarding case with client representative, Ms. Ana Garcia.	0.40	74.00
1/10/2006	EAB	Follow up on the Duenas unemployment compensation claim; attention to Publix land transfer; email communications with staff, council person Breder, and Publix representatives regarding same; and follow up with Mr. Robert Rossano regarding Forman contract and upcoming COW meeting; meeting at village hall with staff on after council meeting actions; telephone conference with Mr. Rossano.	1.10	203.50
1/11/2006	HJM	Received and reviewed claimant's entire personnel file; prepared response to Hearing Officer.	2.20	407.00
1/11/2006	EAB	Attention to library development and agreement with Mr. Scott Silver for funding.	0.20	37.00
1/13/2006	EAB	Attention to insurance matter; analyzed and revised draft contract for engineering and architectural services; telephone conference with Ms. Corrice Patterson regarding same; attention to charter review commission; and telephone conference with Mr. Scurr and Ms. Pier regarding same.	2.80	518.00
1/16/2006	EAB	Attention to line clearing ordinance; email communications with	0.20	37.00

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		village manager and Mr. Ferrer of FPL regarding same.		
1/16/2006	EAB	Prepared for charter review committee meeting.	2.00	370.00
1/17/2006	EAB	Attended charter review committee meeting.	2.00	370.00
1/17/2006	EAB	telephone conference with Mr. Robert Rossano regarding Forman matter; telephone conference with Mr. Scurr regarding pending items; email communications with Mr. Ferrer; analyzed charter for dual office related item; attention to Perrine Wayside matter; and attention to and analyzed SFWMD contract	0.50	92.50
1/18/2006	EAB	Prepared memorandum regarding Forman negotiations in anticipation of COW meeting; telephone conference with Mr. Rossano regarding same; telephone conference with Mr. Scurr regarding COW meeting; and telephone conference with Ms. Olga Cadaval and Ms. Garcia regarding Zurqui contract negotiations.	1.60	296.00
1/18/2006	EAB	Attended COW meeting.	2.50	462.50
1/19/2006	HJM	Reviewed file in preparation of unemployment compensation hearing; attended unemployment compensation hearing via telephone; and conducted conference with Ms. Garcia.	2.30	425.50
1/19/2006	LPF	Conferred with Ms. Boutsis regarding issues relating to draft land development code.	0.80	148.00
1/19/2006	EAB	Telephone conference with Robert Rossano; attention to draft proposal for documents to MDC PD; telephone conference with mayor Flinn regarding Forman contract, upcoming agenda items, and pending projects.	1.00	185.00
1/20/2006	LPF	Conference with Ms. Boutsis regarding Robert's Rules of order with respect to Quorum; the effect of lack of quorum on pending matters and public notice requirements. Reviewed pertinent rules; and teleconference with Mr. Scurr regarding same.	1.30	240.50
1/20/2006	EAB	Meeting with Ms. Garcia, Mr. Scurr, and Ms. Cadaval, including telephone conference with mayor Flinn regarding zoning agenda, pending contracts, and negotiations with contractor at risk; prepared for and attended meeting with A2 representative, Ms. Cadaval and Ms. Garcia; telephone conference with mayor Flinn regarding mitigation and pending items; email communications with Mr. Rossano regarding Forman contract; and email communications with Mr. Ferrer regarding line clearing ordinance.	3.20	592.00
1/23/2006	HJM	Received and reviewed order/decision of appeals referee regarding Elvira Duenas.	0.40	74.00
1/23/2006	LPF	Reviewed and provided comments to Ms. Boutsis on memorandum concerning Charter Review, and conferred with Ms. Boutsis regarding same.	1.30	240.50
1/23/2006	EAB	Analyzed charter, prepared memorandum, and provided comments to charter review committee member on areas of concern; and telephone conference with Mr. Scurr regarding pending items.	3.00	555.00

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1/24/2006	CVH	Received and sent series of e-mails from and to Village and Ms. Boutsis regarding question as to whether the slogan "Village of Parks" can be trademarked by Village, including description of information and documentation needed to complete trademark application, information as to trademark classes, filing fees and specimens, and questions regarding actual and planned uses of slogan; requested authority to research whether use of slogan in connection with grant funding opportunities is sufficient to satisfy the "commercial use" requirement; and e-mails from and to Ms. Boutsis regarding authorization for research into whether use of slogan in connection with grant funding opportunities is sufficient to constitute a "commercial use" for purposes of trademark registration.	0.60	111.00
1/26/2006	CVH	Began research on possible "Village of Parks" trademark.	0.10	18.50
1/26/2006	EAB	Telephone conference with Mr. Barnett Greenberg regarding charter review committee.	0.20	37.00
1/27/2006	CVH	Research regarding whether the Village can satisfy "use in commerce" requirement for trademark application by using slogan in connection with grant funding opportunities.	0.80	148.00
1/27/2006	LRF	Conferred with Ms. Boutsis regarding construction management agreement.	1.10	203.50
1/27/2006	EAB	Analyzed 70 page A2 contract and began revising the contract.	7.00	1,295.00
				11,303.50
Total Professional Services				11,303.50

**Rate Summary**

Catherine A. Van Horn	1.90 hours at \$185.00/hr	351.50
H. James Montalvo	5.30 hours at \$185.00/hr	980.50
Luis R. Figueredo	8.20 hours at \$185.00/hr	1,517.00
Eve A. Boutsis	45.70 hours at \$185.00/hr	8,454.50
	Total hours: 61.10	11,303.50

**Disbursements**

12/5/2005	Database Legal research	114.47
1/12/2006	Federal Express	11.13
1/18/2006	Parking Charge	8.00
1/25/2006	Mileage	2.88
1/27/2006	Disbursements incurred - 2.0%	226.07

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**Payments and Credits**

1/26/2006	Check No. 4063	13,475.77
		<hr/>
		13,475.77
	For Professional Services	11,303.50
	For Disbursements Incurred	362.55
		<hr/>
	Current Balance:	11,666.05
	Previous Balance:	13,475.77
	Payments - Thank you	13,475.77
		<hr/>
	<b>Total Due</b>	<b>11,666.05</b>

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

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

*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

January 27, 2006  
Matter ID: 0293-002  
Zoning Applications  
Invoice Number 18248

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			Hours	Amount
12/19/2005	LFF	Conference with Ms. Eve Boutsis re: Old Cutler Presbyterian Church matter.	0.60	111.00
1/4/2006	EAB	Email communications with Mr. John Shubin re: OCPC.	0.20	37.00
1/5/2006	EAB	Meeting with Ms. Judy Miller, staff and a representative of Children and Family Services regarding change in policies related to group homes and application to local building and zoning officials.	1.40	259.00
1/6/2006	EAB	Attention to pending zoning items and inquiries by Ms. Miller; telephone conference with and email communications with Ms. Miller regarding same.	0.30	55.50
1/9/2006	EAB	Telephone conference with Ms. Arleen Weintraub regarding upcoming zoning agenda; email communications with Mr. Simon Ferro; analyzed deed restrictions for Autonation; and provided direction on agenda items.	0.40	74.00
1/10/2006	EAB	Telephone conference with Ms. Arleen Weintraub regarding zoning agenda items; and email communications with Mr. Proctor regarding PBVC.	0.30	55.50
1/11/2006	EAB	Meeting with Ms. Weintraub regarding PBVC covenants, release of ROW issue, Publix Park, next and upcoming P&Z agendas, advertising, etc; drafted notice and declaration of restriction revisions for PBVC.	1.20	222.00
1/12/2006	EAB	Telephone conference with Ms. Miller regarding Engel matter.	0.20	37.00
1/13/2006	EAB	Drafted ordinance regarding Mr. Engel's request to abandon ROW; analyzed county code regarding same; drafted resolution in anticipation of PBVC hearing on declaration of restrictions in lieu of unity of title; and analyzed section 33-257, MDC.	2.00	370.00
1/17/2006	EAB	Telephone conference with Mr. Ferro; email communications with staff regarding same; attention to advertising for PBVC matter; email communications with Ms. Weintraub regarding upcoming LDC meeting, PBVC matter, Engel matter, and AN matter.	1.00	185.00

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1/18/2006	EAB	Attention to PBVC matter; attention to advertising for zoning hearings; telephone conferences with Ms. Weintraub, Ms. Pier, Mr. Ferro; email communications with Mr. Silver and Mr. Proctor; revised re-platting resolution; telephone conference with Mr. Williams and Ms. Weintraub regarding Engel matter; analyzed and revised Engel resolution; analyzed chapter 336, Fl. St; and email communications with County Public Works and County P&Z staff regarding ROW issue.	2.00	370.00
1/19/2006	EAB	Attention to correspondence by Mr. Jerry Proctor; analyzed and revised declaration of restrictions for PBVC hearing matter; and attention to quorum, notice, and procedures for upcoming zoning hearing.	1.70	314.50
1/20/2006	EAB	Email communications with Mr. Ferro regarding upcoming zoning agenda items.	0.10	18.50
1/23/2006	EAB	Attention to P&Z items; upcoming agendas; calendaring; and email communications with Ms. Weintraub and county staff on pending items.	0.40	74.00
1/24/2006	EAB	Telephone conference with Mr. Tom Goldstein, county attorney's office; telephone conference with Mr. Al Torres, and Mr. Fernando Alonso of MDC Public Works; telephone conferences with Mr. Ron Williams and Ms. Weintraub; and analyzed county procedures and chapter 336, Fl.St. regarding ROW issue.	1.00	185.00
1/25/2006	EAB	Meeting with Ms. Weintraub, Ms. Miller, and Mr. Scurr regarding FTCL and revised/edited the draft ordinance.	5.50	1,017.50
1/26/2006	EAB	Edited and revised FTCL ordinance; coordinated advertising of zoning public notice; telephone conference with Mr. Subrata Basu regarding FTCL; email communications with county staff regarding same; telephone conference with Ms. Weintraub, Ms. Miller, Ms. Pier, and Mr. Scurr regarding same.	6.50	1,202.50
			Total Professional Services	4,588.00

**Rate Summary**

Luis R. Figueredo	0.60 hours at \$185.00/hr	111.00
Eve A. Boutsis	24.20 hours at \$185.00/hr	4,477.00
	Total hours: 24.80	4,588.00

1/27/2006	Disbursements incurred - 2.0%	91.76
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**Payments and Credits**

1/26/2006	Check Nb. 4063	4,113.66
		<hr/>
		4,113.66
	For Professional Services	4,588.00
	For Disbursements Incurred	91.76
		<hr/>
	Current Balance:	4,679.76
	Previous Balance:	4,113.66
	Payments - Thank you	4,113.66
		<hr/>
	<b>Total Due</b>	<b>4,679.76</b>

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# 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

January 27, 2006  
Matter ID: 0293-004  
Code Enforcement  
Invoice Number 18249

			Hours	Amount
1/3/2006	NDH	Conferred with Officer White re: status of the Callazo property and communications with the property owner.	1.00	185.00
1/3/2006	NDH	Attention to the special master Blanca order.	0.30	55.50
1/4/2006	NDH	Attention to Callazo permit issue; left message with Officer White re: the same; and attention to the adult bookstore matter.	2.20	407.00
1/4/2006	NDH	Conferred with Vanessa re: the cost of the Kabick lien re: Officer's White's time; e-mail to Mr. Scurr re: whether the Village intended to bid on the Kabick property.	0.80	148.00
1/5/2006	NDH	Attention to code compliance issues.	0.40	74.00
1/10/2006	LRF	Reviewed letters concerning impact of recent race and charitable events on access to religious services; and conference with Eve Boutsis re: same.	0.50	92.50
1/10/2006	EAB	Attention to St. Thomas Lutheran church matter; and attention to code enforcement sign regulation in single family residential property.	0.40	74.00
1/10/2006	NDH	Code compliance meeting to prepare for upcoming hearing; and conferred with Ms. Boutsis re: the adult bookstore issue.	2.40	444.00
1/10/2006	NDH	Conferred with Brad Chandler re: the lien interest in the Kabick property; conferred with Vanessa re: the current liens; conferred with Ms. Boutsis re: the same.	1.40	259.00
1/11/2006	EAB	Legal research on public purpose, condemnation, takings, and first amendment.	2.70	499.50
1/13/2006	EAB	Drafted letter to St. Thomas.	0.40	74.00
1/13/2006	NDH	Left voice-messages for Officer Allen White and Larry March re: the certificate of use for an adult bookstore; researched attorney general opinions re: the same; contacted Miami Dade county Zoning Permits department - Sydney (786) 315-2666 re: the same; conferred with Sydney; and analyzed the Miami-Dade County	1.60	296.00

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		code for any requirement that adult bookstores renew certificate of uses annually.		
1/16/2006	LPF	Conferred with Ms. Boutsis regarding St. Thomas letter concerning the impacts of race on their religious services; and reviewed and revised draft of St. Thomas letter.	0.90	166.50
1/17/2006	NDH	Conferred with Officer White and prepared for upcoming special master hearing. [1.0]; attended special master hearing [4.0]	5.00	925.00
1/18/2006	EAB	Telephone conference with Ms. Weintraub regarding special master matters, Kabick, etc; and meeting with CEO Alan White regarding pending code enforcement matters.	0.40	74.00
1/18/2006	NDH	Confirmed with Mr. Benjamin Alvarez, counsel to Fern Street Properties, that he received the draft settlement agreement; and Mr. Alvarez informed me that he has forwarded the document to his clients for final approval.	0.20	37.00
1/20/2006	EAB	Attention to Fern Street order; attention to St. Thomas matter; telephone conference with Mr. Scurr regarding same; and email communications with Mr. White regarding same.	0.40	74.00
1/23/2006	EAB	Communications with Mr. Borell regarding Kabick matter.	0.10	18.50
1/23/2006	EAB	Attention to code enforcement and ROW issue; and revised letter to St. Thomas Church.	0.30	55.50
1/24/2006	EAB	Telephone conference with Mr. Scurr regarding code enforcement matters; and issued final edits to St. Thomas letter.	0.20	37.00
			Total Professional Services	3,996.00

**Rate Summary**

Luis R. Figueredo	1.40 hours at \$185.00/hr	259.00
Eve A. Boutsis	4.90 hours at \$185.00/hr	906.50
Nakia D. Henry	15.30 hours at \$185.00/hr	2,830.50

Total hours:	21.60	3,996.00
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**Disbursements**

12/14/2005	Mileage	4.32
1/4/2006	Mileage	4.32
1/10/2006	Mileage	4.32
1/17/2006	Mileage	4.32
1/27/2006	Disbursements incurred - 2.0%	79.92

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**Payments and Credits**

1/26/2006	Check No. 4063	4,798.42
		<hr/>
		4,798.42
	For Professional Services	3,996.00
	For Disbursements Incurred	97.20
		<hr/>
	Current Balance:	4,093.20
	Previous Balance:	4,798.42
	Payments - Thank you	4,798.42
		<hr/>
	<b>Total Due</b>	<b>4,093.20</b>

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