

RESOLUTION NO. 06-32

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 \$21,481.41; 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 March 28, 2006, in the amount of \$21,481.41; 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:

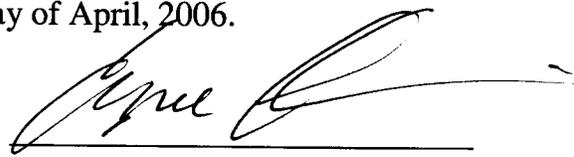
Section 1. The statements for attorneys' fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$21,481.41, copies of which are attached, are approved for payment.

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

PASSED and ADOPTED this 3rd day of April, 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	<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

18001 Old Cutler Road – Suite 556
Telephone: (305) 854-5353 Miami, Florida 33157-6416 Facsimile: (305) 854-5351

March 29, 2006

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 March 28, 2006. The amounts due are as follows:

0293-001	Non-Retainer Legal Services <i>Statement No. 18362 dated 3/28/06</i>	Prof'l Services	\$	13,764.00
		Disbursements		716.64
		Total		14,480.64
0293-002	Zoning Applications <i>Statement No. 18363 dated 3/28/06</i>	Prof'l Services	\$	6,660.00
		Disbursements		133.20
		Total		6,793.20
0293-004	Code Enforcement <i>Statement No. 18364 dated 3/28/06</i>	Prof'l Services	\$	203.50
		Disbursements		4.07
		Total		207.57
	TOTAL CURRENTLY DUE		\$	21,481.41

Letter to Charles D. Scurr, Village Manager
March 29, 2006
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 long horizontal flourish 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
Telephone: (305) 854-5353

Miami, Florida 33157
Facsimile: (305) 854-5351

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

March 28, 2006
Matter ID: 0293-001
General Municipal
Invoice Number 18362

			Hours	Amount
2/9/2006	LRF	Reviewed draft ordinance for the Franjo Triangle.	2.00	370.00
2/24/2006	EAB	Telephone conference with Ms. Ana Garcia regarding Zurqui and A2; telephone conference with counsel for A2 regarding final contract negotiations; finalized bus resolution and analyzed contract; and revised noise ordinance.	2.10	388.50
2/27/2006	EAB	Analyzed charters amendments from other communities and documents for charter review committee; attended staff meeting; meeting with Ms. Olga Cadaval and Ms. Garcia regarding cm at risk items; meeting with new owner of Kabick property, Mr. Raul Rodriguez, Mr. Alan White, and Ms. Arleen Weintraub; meeting with Ms. Weintraub regarding platting item, and noise ordinance items for agenda; telephone conference with council person John Breder regarding open permits; and drafted letter to Zurqui terminating negotiations.	6.00	1,110.00
2/28/2006	CVH	Received, reviewed and responded to a series of e-mails from Ms. Eve A. Boutsis and Village officials regarding need to proceed with application to register "Village of Parks" as trademark and transmitting various information and samples needed to complete application. [.3 no charge].	0.20	37.00
2/28/2006	LRF	Conference with Ms. Boutsis regarding the Zurqui matter.	0.70	129.50
2/28/2006	EAB	Telephone conferences with Ms. Garcia regarding cm at risk; telephone conference with Ms. Garcia and Ms. Cadaval regarding same; e-mail communications regarding same; attention to trademark issue and insurance related item for full time employees; e-mail communications with insurance provider; drafted letter regarding termination of negotiations; telephone conference with Mr. Williams regarding road closing petition; analyzed chapter 360, Fl. St., regarding same; and attended charter review committee.	3.70	684.50
3/1/2006	CVH	Reviewed trademark rules, forms and requirements for specimens of uses for application to register "Village of Parks" slogan; series of e-mails with Ms. Boutsis regarding information needed to complete trademark application.	1.20	222.00

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.

3/1/2006	EAB	Telephone conference with mayor Flinn regarding COW and pending items; prepared counter offer on parcel near Perrine Park and issued same; received response to counter-offer; telephone conference with Mr. Walter Engel and Ms. Tonya Karcher regarding Publix; e-mail communications with Mr. Robert Rossano; provided response to Mr. Rossano on his proposed "counter-offer"; telephone conference with Mr. Rossano; telephone conference with Mr. Charles Scurr on pending items; began drafting charter amendments ordinance; and e-mail communications with staff regarding same.	2.20	407.00
3/1/2006	EAB	Attended meeting with council person Paul Neidhart, Mr. Scurr, and Ms. Garcia regarding cm at risk.	1.00	185.00
3/1/2006	EAB	Attended COW meeting.	2.50	462.50
3/2/2006	EAB	Finalized utility line clearing ordinance and memorandum; telephone conference with mayor Flinn; and attention to cm at risk matter.	0.50	92.50
3/3/2006	EAB	Approved appraisal contract; and attention to pending items.	0.40	74.00
3/6/2006	EAB	Telephone conference with Ms. Pier; telephone conference with Ms. Corrice Patterson regarding agenda; telephone conference with Mr. Jerry Proctor regarding pending zoning matters; provided direction to staff and analyzed agenda in anticipation of upcoming meeting; analyzed chapter 191, Fla. Stat., related to fire stations; prepared response to manager as to CDMP and fire stations; and began red-lining and drafting ballot questions to Charter Revision Commission; and e-mail communications with Charter Review Commission.	4.20	777.00
3/6/2006	EAB	Prepared for and attended council meeting.	2.50	462.50
3/7/2006	CVH	Series of e-mails with Ms. Boutsis regarding specimens needed for inclusion with application to register "Village of Parks" slogan; received and reviewed banner displaying slogan for use as specimen. [no charge].	0.20	0.00
3/7/2006	EAB	Legal research regarding safety belt usage and school bus transport safety issues of minors; meeting with Mr. Scurr and council person Breder regarding police services and pending items; telephone conference with Mr. Jorge Vera regarding landscaping code; telephone conference with Mr. Duran; drafted counter-offer to Mr. Duran; e-mail communications with Mr. Scurr and council person Breder regarding Duran's counter, to village's counter-offer; telephone conference with Ms. Garcia; drafted letter to Mr. Gonzalez regarding donation of land to Perrine Wayside Park for parking purposes; continued to edit charter amendment ordinance; e-mail communications and negotiations with Mr. Rossano regarding Forman matter and Ms. Garcia regarding same; attention to trademark item; e-mail communications with staff regarding same; and began editing as directed by council as to FT&I ordinance.	5.00	925.00
3/8/2006	EAB	Began revising Publix Park purchase and sale agreement; began release of unity of title document related to Publix Park; telephone	3.50	647.50

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		conference with Mr. Scurr regarding Florida Legislative agenda; began analysis of same; e-mail communication with commander Mouring regarding police negotiations; e-mail communications with Mr. Rossano regarding final edits to agreement; e-mail communications with Ms. Garcia regarding same; legal research on "special laws"; and finalized red-lining to Forman agreement.		
3/9/2006	CVH	E-mails with Ms. Boutsis and Ms. Cadaval regarding "Village of Parks" trademark. [no charge].	0.10	0.00
3/9/2006	EAB	Analyzed Miami Lakes, and other police services contracts; attended police services negotiations; meeting with Mr. Scurr, mayor Flinn and telephone conference with lobbyist regarding legislative agenda; attention to resident concern regarding water run-off issue; and e-mail communications with Mr. Rossano and Ms. Garcia regarding Forman matter.	3.70	684.50
3/10/2006	CVH	Received by e-mail and attempted to review additional information on "Village of Parks" slogan; e-mail to Ms. Boutsis regarding inability to open attachments. [no charge].	0.10	0.00
3/10/2006	EAB	Finalized red-lining to Forman contract; meeting with Ms. Cadaval and Ms. Garcia regarding nonprofit; and attention to Fla. League municipal liability limits.	1.70	314.50
3/13/2006	CVH	Exchanged e-mails with Ms. Boutsis regarding specimens for "Village of Parks" trademark application. [no charge].	0.10	0.00
3/13/2006	EAB	Attention to design build contract; and telephone conference with Mr. Scurr regarding pending matters and P&Z agenda.	0.40	74.00
3/14/2006	CVH	Received from Ms. Boutsis by e-mail copy of e-mail from PTO trademark attorney regarding possible "false association" claim as to official Village Web site and "mypalmettobay.com" Web site; e-mail to Ms. Boutsis regarding fact that use of disclaimer on "my palmettobay.com" Web site obviates both confusion and intent.	0.20	37.00
3/14/2006	EAB	Legal research on election laws, removal of name from ballot, etc., pursuant to request of charter revision commission; attention to county code and parks issues; telephone conference with Ms. Cadaval regarding same; telephone conference with mayor Flinn regarding LDC, Mixed Use Districts, Mitigation, and pending items; telephone conference with Mr. Scurr and Ms. Garcia regarding design build; analyzed design build contract and RFP; telephone conference with Ms. Weintraub regarding pending items; telephone conference with Hugo Benitez, MDC Attorney's office regarding Article 6; telephone conference with Mr. Rossano and finalized Forman edits; and finalized Municode ordinance.	4.00	740.00
3/14/2006	EAB	Meeting with Mr. Scurr regarding pending items; and attended charter revision commission meeting.	3.00	555.00
3/15/2006	CVH	Received from Ms. Boutsis by e-mail and reviewed newspaper articles establishing date of first use of "Village of Parks" slogan and plans for future use of the slogan. [.3 no charge].	0.10	18.50
3/15/2006	EAB	Began addressing issues raised by charter revision commission; and continued new red-lining edits.	0.50	92.50

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3/17/2006	EAB	Attention to PBVC item; finalized A2 contract changes; telephone conference with Ms. Judy Miller and e-mail communications regarding Engel and nursery school questions; telephone conference with Ms. Garcia; and telephone conference with Ms. Miller.	1.80	333.00
3/20/2006	CVH	E-mails with Ms. Boutsis to obtain additional information needed to complete trademark application for "Village of Parks" slogan.	0.30	55.50
3/20/2006	EAB	Telephone conference with State Attorney's office regarding subpoena of Mr. Williams for deposition in felony matter involving Mr. Raul Echevarria; telephone conference with Mr. Williams and Ms. Patterson regarding same; finalized Corradino contract; and e-mail communications with Ms. Cadaval and Ms. Garcia regarding cm at risk contract.	2.00	370.00
3/21/2006	EAB	Analyzed special master contract; and e-mail communications with Ms. Weintraub and Mr. Scurr regarding same; telephone conference with Ms. Cadaval regarding cm at risk; and telephone conference with Ms. Garcia, Mr. Scurr, and Mr. Joe Serrone.	0.50	92.50
3/22/2006	EAB	Finalized continuing service contract; attention to resident complaint; attention to FCT grant; and telephone conference with Ms. Weintraub regarding upcoming agenda items.	2.00	370.00
3/22/2006	EAB	Attended COW meeting.	3.00	555.00
3/23/2006	CVH	Obtained balance of information needed to complete trademark application for "Village of Parks"; searched Trademark Office Web site for approved descriptions of services and proper classification; arranged for conversion of .pdf file containing specimen of banner to the .jpg file required by the Trademark Office; completed and submitted via Internet: trademark application, drawing of mark, specimens and payment of fees; received e-mail from Trademark Office confirming receipt of application and assignment of serial number; reviewed instructions and information in Trademark Office e-mail regarding further processing of application; e-mails to Ms. Boutsis confirming filing of application and transmitting information regarding Trademark Office processing procedures. [.2 no charge].	2.90	536.50
3/23/2006	EAB	Attended police negotiations meeting.	3.00	555.00
3/23/2006	EAB	Attention to background screening of all vendors for litigation; analyzed 287.055, Fla. Stat., AGO opinions, case law, Doral RFQ, contracts, and terms; and drafted memorandum to mayor and village council regarding design build contracts.	3.00	555.00
3/24/2006	EAB	E-mail communications with Ms. Garcia regarding background information on reviewed decisional authorities regarding; finalized draft memorandum regarding R.D.C; e-mail communications with mayor and village staff regarding trademark status; telephone conference with mayor Flinn regarding Publix and pending items; telephone conference with Ms. Miller regarding Engel and quasi-judicial matter; and telephone conference with Dr. Feller regarding Publix.	1.00	185.00

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3/24/2006	EAB	Telephone conference with mayor Flinn, Dr. Feller, CP Neidhart, Ms. Garcia, and Mr. Scurr regarding Mitchell Party matter; attention to DC lobbying; attention to Publix matter; attention to Article 6 MDC Charter issue; and finalized contract revisions with landscape architect and engineering firms.	2.00	370.00
3/27/2006	EAB	Finalized design build memorandum and e-mail communications with staff regarding same; telephone conference with Mr. Scurr regarding upcoming agenda items, and resolution relating to Stormwater Management Facility; e-mail communications with Mr. Rossano; telephone conference with Ms. Diamela DelCastillo of MDC regarding Article VI and Deering Estate; attention to background investigation of vendors; and prepared memorandum regarding same.	1.60	296.00
			<hr/>	
			Total Professional Services	13,764.00

Rate Summary

Catherine A. Van Horn	0.50 hours at \$ 0.00/hr	0.00
Catherine A. Van Horn	4.90 hours at \$185.00/hr	906.50
Luis R. Figueredo	2.70 hours at \$185.00/hr	499.50
Eve A. Boutsis	66.80 hours at \$185.00/hr	12,358.00
		<hr/>
Total hours:	74.90	13,764.00

Disbursements

12/7/2005	Parking Charge	8.00
2/23/2006	Parking Charge	6.00
2/24/2006	Database Legal research	9.52
3/17/2006	Outside copy job - Lamination	12.84
3/17/2006	Miscellaneous Client Costs - Florida Water Law Seminar	405.00
3/28/2006	Disbursements incurred - 2.0%	275.28

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For Professional Services	13,764.00
For Disbursements Incurred	716.64
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Current Balance:	14,480.64
Previous Balance:	11,422.87
Payments - Thank you	0.00
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Total Due	25,903.51

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

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

18001 Old Cutler Road, Suite 556
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Miami, Florida 33157
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Eugene P. Flinn, Jr.
Village of Palmetto Bay
8950 SW 152nd Street
Palmetto Bay, Florida 33157

March 28, 2006
Matter ID: 0293-002
Zoning Applications
Invoice Number 18363

			Hours	Amount
2/24/2006	EAB	E-mail communications with Mr. Jerry Proctor and Mr. Scott Silver; and prepared agenda items for upcoming P&Z meeting.	0.60	111.00
2/28/2006	EAB	Red-line revisions to proposed landscaping ordinance; telephone conference with Ms. Arleen Weintraub regarding same; e-mail communications with Mr. Jorge Vera regarding red-lining, comments, and observations; and began editing prior chapters drafted for LDC to place in final.	3.50	647.50
3/1/2006	EAB	Revised letter to M-D County PW Dept. regarding Engel request.	0.20	37.00
3/1/2006	EAB	Participated in LDC meeting with Ms. Weintraub, Ms. Judy Miller and Mr. Vera regarding chapter 8, landscaping regulations.	2.50	462.50
3/9/2006	EAB	Prepared memorandum relating to FT&I District for second reading; prepared staff memorandum relating to PBVC declaration of restrictive covenants in lieu of unity of title; and finalized resolution, declaration, and agenda package.	3.00	555.00
3/10/2006	EAB	Obtained Publix zoning files and began analysis of same relating to release of unity of title.	0.50	92.50
3/13/2006	EAB	Analyzed Publix history, prior resolutions and declarations of restrictions; telephone conference with Dr. Feller regarding P&Z agenda; telephone conference with council person Paul Neidhart regarding same; telephone conference with Mr. Proctor; revised PBVC resolution; and e-mail communications with v-m Linda Robinson regarding Publix.	2.00	370.00
3/13/2006	EAB	Analyzed chapter 9 of LDC relating to Development Approval Procedures, drafted revisions to same; follow up with Mr. Vera regarding same; and analyzed Municode draft ordinance and provided comments to same.	2.50	462.50
3/13/2006	EAB	Pre-hearing meeting with Mr. Proctor and Mr. Silver regarding substantial accordancy; and attended P&Z hearing related to unity of title request by PBVC.	2.00	370.00
3/14/2006	EAB	Telephone conference with Ms. Weintraub on pending items; and coordinated meeting with vpb and county staff, Mr. Silva and	0.40	74.00

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		Owner of Old Cutler Market regarding zoning matter.		
3/15/2006	EAB	Continued to draft declaration of restrictions in lieu of unity of title for Publix property.	0.40	74.00
3/15/2006	EAB	Attended meeting with Ms. Miller, Ms. Weintraub regarding revisions to FT&I District.	3.40	629.00
3/16/2006	EAB	E-mail communications with Mr. Proctor regarding possible appeal by opponent to PBVC application; and attention to Publix file.	0.20	37.00
3/20/2006	EAB	Attended meeting with Ms. Weintraub, Mr. Figueredo, Old Cutler Market owners (Mr. Haas), and Mr. Silver regarding proposed project.	1.50	277.50
3/21/2006	EAB	Analyzed RUILPA and application to LDC creation as related to religious institutions.	2.50	462.50
3/21/2006	EAB	Meeting with Ms. Weintraub to continue revisions to FT&I ordinance.	2.00	370.00
3/22/2006	EAB	Attended LDC meeting with Mr. Vera and Ms. Miller; and attention to RLUIPA cases.	3.00	555.00
3/24/2006	EAB	Continued analysis of FRUILPA; telephone conference with Dr. Ed Feller regarding same; prepared memorandum to village council regarding FRUILPA and FT&I; and e-mail communications with council person John Breder regarding same.	2.30	425.50
3/27/2006	EAB	Completed edits to FT&I, including vesting provisions and mixtures of permitted uses; and telephone conference with Ms. Weintraub regarding same.	1.50	277.50
3/27/2006	EAB	Analyzed restrictions, easements, and title opinion on Publix parcel; and began drafting staff report regarding same.	2.00	370.00
				6,660.00
			Total Professional Services	6,660.00

Rate Summary

	Eve A. Boutsis	36.00 hours at \$185.00/hr	6,660.00
		Total hours: 36.00	6,660.00
3/28/2006	Disbursements incurred - 2.0%		133.20

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For Professional Services	6,660.00
For Disbursements Incurred	133.20
	<hr/>
Current Balance:	6,793.20
Previous Balance:	7,300.14
Payments - Thank you	0.00
	<hr/>
Total Due	14,093.34

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

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

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

March 28, 2006
Matter ID: 0293-004
Code Enforcement
Invoice Number 18364

			Hours	Amount
3/10/2006	EAB	Telephone conference with Mr. Allen White regarding enforcement action and placing of lien against property; and authorizing same.	0.20	37.00
3/14/2006	EAB	Attention to special master procedures; and e-mail communications with staff regarding same.	0.30	55.50
3/21/2006	EAB	Attended special master hearing.	0.60	111.00
				<hr/>
			Total Professional Services	203.50

Rate Summary

Eve A. Boutsis	1.10 hours at \$185.00/hr	203.50
Total hours:		<hr/> 1.10
		<hr/> 203.50

3/28/2006	Disbursements incurred - 2.0%	4.07	
	For Professional Services	203.50	
	For Disbursements Incurred	4.07	
	Current Balance:	<hr/> 207.57	
	Previous Balance:	509.49	
	Payments - Thank you	0.00	
		<hr/>	
		Total Due	717.06

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