

RESOLUTION NO. 09-14

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 \$22,832.70; 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, 2009, in the amount of \$22,832.70; 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 \$22,832.70, copies of which are attached, are approved for payment.

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

PASSED and ADOPTED this 2nd day of February, 2009.

Attest:


Meighan Rader
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 Howard J. Tendrich	<u>YES</u>
Council Member Shelley Stanczyk	<u>YES</u>
Vice-Mayor Brian W. Pariser	<u>YES</u>
Mayor Eugene P. Flinn, Jr.	<u>YES</u>

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

18001 Old Cutler Road - Fifth Floor
Telephone: (305) 854-5353 Miami, Florida 33157-6417 Facsimile: (305) 854-5351

January 28, 2009

Ron Williams, 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. Williams:

Enclosed are our invoices for professional services rendered and for costs advanced for the period ending January 27, 2008, in the amount of \$ 22,832.70. I have tabulated the amounts *currently due* on each individual file as follows:

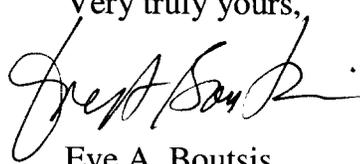
Please deduct from Village Attorney Account No. 5143110, General Legal.			
0293-001	Non-Retainer Legal Services <i>Invoice No. 19838 dated 1/27/08</i>	Prof'l Services Disbursements Total Due	\$ 16,317.00 330.04 16,832.04
	Total		\$ 16,832.04
Please deduct from Village Attorney Account No. 5143140, Code Enforcement.			
0293-004	Code Enforcement <i>Invoice No. 19839 dated 1/27/08</i>	Prof'l Services Disbursements Total Due	\$ 1,517.00 30.34 1,547.34
	Total		\$ 1,547.34
Please deduct from Village Attorney Account No. 5143150, Litigation Reserve.			
0293-022	VPB Mitigation Suit Against County <i>Invoice No. 19840 dated 1/27/08</i>	Prof'l Services Disbursements Total Due	\$ 203.50 4.07 207.57
0293-027	Palmer Trinity v. VPB <i>Invoice No. 19841 dated 1/27/08</i>	Prof'l Services Disbursements Total Due	\$ 4,125.50 82.51 4,208.01

Ron Williams, Village Manager
Village of Palmetto Bay
January 28, 2009

0293-029	Palmer Trinity v. VPB (Appeal) <i>Invoice No. 19842 dated 1/27/08</i>	Prof'l Services	\$	37.00
		Disbursements		0.74
		Total Due		37.74
	Grand Total		\$	22,832.70

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/lcm
Enclosures
cc: Mayor and Village Council

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

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, 2009
Matter ID: 0293-001
General Municipal
Invoice Number 19838

			Hours	Amount
12/23/2008	EAB	Continued the meeting with Mr. Efen Nunez and Ms. Arleen Weintraub regarding Comprehensive Plan, small scale amendements (possible) and drafting finalizing LDC.	3.00	555.00
12/29/2008	EAB	Attention to R.D.C. matter (.3); telephone conference with Mr. Ed Silva (.2); follow up with Ms. Weintraub (.1); attention to software contract (.1).	0.70	129.50
12/29/2008	EAB	Attended meeting regarding proposed EEL item with Mr. Scott Silver, Mr. Ron Williams, Mr. Silva and Mr. Desmond Chin (1.); meeting with Mr. Williams and Ms. Rader on pending items (.5); finalized special event ordinance revisions; and attention to Fire Department Estoppel Letter (1.3).	2.80	518.00
12/30/2008	EAB	Meeting with Ms. Meighan Rader and Mr. Williams on agenda items; meeting with Ms. Weintraub and Mr. Williams on Historic Preservation; meeting with Mayor Eugene Flinn and Mr. Williams on agenda items and future action.	3.50	647.50
12/31/2008	EAB	Meeting with Mayor Flinn and Mr. Williams on agenda items and pending matters.	1.50	277.50
1/2/2009	EAB	Attention to pending items and assignments and attention to farmer's market matter; telephone conference with Mr. Silva regarding same.	1.50	277.50
1/5/2009	EAB	Attended agenda preparation meeting (.5); attention to subpoena of code compliance with Ms. Weintraub (.3); attention to personnel matter and personnel policies (1); attention to Dade County meeting (.3); and meeting with Mr. Williams on pending items (.4).	2.50	462.50
1/5/2009	EAB	Revised and finalized shed ordinance and memorandum; drafted resolution supporting Cutler Bay and environmental protection of Biscayne National Park; finalized FT&I parking ordinance and memorandum; attention to golf cart ordinance; drafted purchase resolution re: Neighbors Property; analyzed resolution on Tree Advisory Board and Ordinance on Park User fees (2.3 on all items listed); telephone conference with Mayor Flinn (.3 no charge);	2.70	499.50

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.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

telephone conference with Ms. Rader on agenda items; and telephone conference with Mr. Randy Pope relating to bid protest and follow up on same (.4).

1/5/2009	EAB	Attended meeting with Mr. Williams, Ms. Olga Cadaval and Ms. Ana Garcia (.7); and telephone conference with Mr. Silver on firestation (.3) and Mr. Williams.	1.00	185.00
1/6/2009	EAB	Finalized agenda items (.7); drafted golf cart ordinance revision (.5); meeting with Ms. Weintruab and MDC PC (2.5); meeting with Mr. Williams on pending items and assignments, including Tip Top matter (1.5); meeting with Ms. Stanczyk and Ms. Williams on pending items and agenda items (2.0); telephone conference with Mr. Silver (.2); follow up with Mayor and Village Council relating to Sun America Bank foreclosure item and telephone conference with Sun America and Mr. Williams (.5); drafted email update to council relating to fire station and EEL matters (.4); follow up on code compliance (.2); and telephone conference with Mayor Flinn on pending items (no charge.4).	8.50	1,572.50
1/7/2009	EAB	Drafted EEL resolution and memorandum; drafted Perrine Park memorandum (1.0); attention to DERM declaration of restrictions (.5); and attention to mitigation (.3); revised golf cart ordinance and responded to staff inquiries relating to same; analyzed Fla. Stat. relating to same (.4); and telephone conference with Mr. Silva regarding pending items, Library construction, grants, DERM covenants (.3); drafted a/c session notice and communicated same to council (.2); communications with Mayor Flinn (.3 no charge); communication with Ms. Stanczyk (.2 no charge); attention to mitigation ballot language and revisions to same, comments to same; communications with Ms. Nina Boniske regarding mitigation (.7); follow up with Attorney Jeff Hochman regarding Crapello; communications with Vice Mayor Brian Pariser on pending items (.3 no charge); follow up with FWC, SFWMD, State Rep. Julio Robaina regarding Town Hall meeting and Slow Speed Zones.	3.90	721.50
1/8/2009	EAB	Telephone conference with Mr. Williams and Mr. Silva on Neighbors item; telephone conference with Ms. Rader on finalizing agenda; attention to agenda related inquiries, revisions, village attorney update (1.3); telephone conference with Mr. Tom Ringel (.3); telephone conference with Mr. Silva on pending items (.3); drafted response to shed ordinance inquiry; telephone conference with Mayor Flinn (.2 no charge); drafted foreclosure court resolution (.3); attention to RFQ/RFP for architectural services and contract types with Mr. Silva (1.4); and follow up with Mr. Jeff Hochman (.2); communications with Vice Mayor Pariser, staff, and Manager relating to shed ordinance and inquiry of resident; communications with Manager on pending items.	4.00	740.00
1/9/2009	EAB	Drafted RFQ/RFP for architectural services for village hall (3.0); attention to shed ordinance inquiries by resident; telephone conference with Mr. Williams on pending items; telephone conference with Mr. Silva on building issues (.6).	4.00	740.00
1/9/2009	EAB	Telephone conference with Mayor Flinn (.3 no charge); telephone	0.40	74.00

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.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

		conference with Dr. Ed Feller (.4 no charge); telephone conference with Mr. Williams regarding agenda (.4).		
1/12/2009	EAB	Prepared for council meeting; provided updated village attorney report, shed ordinance memorandum; update on foreclosure items; update on foreclosure property (2.3); telephone conference with Mr. Hearn on ballot language (.4); meeting with MDCHPB and staff, Ms. Weintraub, Mr. Nunez, and Mr. Silva (1.2); attended meeting with Mr. Williams and Ms. Rader relating to pending items (1.5); telephone conference with CP Howard Tendrich and CP Pariser (separately) and Mr. Williams (.6) relating to agenda items; telephone conference with CP Stanczyk on agenda items (.2 no charge); attention to HPBSA and communications with Ms. Josie Bober and Mr. Williams relating to same (.4)	6.40	1,184.00
1/12/2009	EAB	Attended Village Council meeting.	3.50	647.50
1/13/2009	EAB	Telephone conference with Mr. Silva and telephone conference with Mayor Flinn (.3 no charge); revised agenda items per council vote and forwarded to staff for execution (1.7).	2.00	370.00
1/13/2009	EAB	Attended meeting with Chief Judge of 11th Circuit, Judge Bailey and Mayor Flinn relating to Foreclosure assistance.	1.50	277.50
1/13/2009	EAB	Attention to Parks matters; telephone conference with Mr. Silva on construction projects and pending items.	0.70	129.50
1/14/2009	EAB	Meeting with Ms. Weintraub on zoning relating revisions - LDC, signage, and pending items (2.0); meeting with Mr. Silva relating to architectural, construction and building services items (1.0); meeting with Mr. Williams and Ms. Cadaval relating to personnel matters (.4); meeting with Mr. Williams and Mr. Silva on Village Hall project and pending items (.6).	4.00	740.00
1/14/2009	EAB	Drafted and revised proposed institutional use ordinance.	3.00	555.00
1/14/2009	EAB	Attended Town Hall meeting.	2.50	462.50
1/15/2009	EAB	Attention to personnel policy and employment related items (1.); Telephone conference with Mr. Hearn; telephone conference with Mr. Williams, telephone conference with Ms. Cadaval; attention to Mira matter (.2); telephone conference with Mr. Silva on pending items (.2); communications with Ms. Weintraub and CP Stanczyk on pending items (.1); attention to personnel matters and pending items during discussion with manager and clerk (.5); attention to federal Honest Services Act and follow up with research and council information; attention to PT summary judgment (.6).	2.60	481.00
1/16/2009	LRF	Reviewed draft FT&I ordinance. Revised ordinance to address new vice mayor's concern as expressed by Ms. Boutsis. Conference with Ms. Boutsis regarding same.	1.00	185.00
1/16/2009	EAB	Attention to personnel items, telephone conference with Ms. Cadaval; telephone conference with Ms. Garcia; attention to personnel policy and telephone conference with Mr. Williams (2.0); Telephone conference with Mayor Flinn (.3 no charge); telephone	2.30	425.50

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.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

		conference with CP Stanczyk (.2 no charge); telephone conference with Mr. Silva on pending items (.3)		
1/21/2009	EAB	Attention to moratorium and to loan agreement, ordinance relating to same; communications with Mr. Chin regarding same; telephone conference with Mr. Silva on pending items; telephone conference with Ms. Weintruab on pending items.	0.80	148.00
1/21/2009	EAB	Telephone conference with Ms. Boniske.	0.40	74.00
1/22/2009	EAB	Meeting with Ms. Cadaval regarding HR personnel policies (2.0); revised, updated and prepared agenda items (1.3); and prepared village attorney February update to council (.5); and telephone conferences with Mr. Silva on pending items (.4).	3.20	592.00
1/23/2009	EAB	Attended seminar on foreclosures and new homestead system per Judge Bailey, per direction of village council.	4.00	740.00
1/26/2009	EAB	Attended meeting with Mr. Nunez and Ms. Weintraub on sign ordinance, shed ordinance and FT&I, final revisions (1); attend agenda review (1.5); attended meeting with Mr. Williams, Ms. Cadaval, Mr. Silva relating to Neighbors and telephone conference with Mr. Ringel (.5); meeting with Mr. Williams, Building and Zoning relating to shed ordinance (.5); meeting with Ms. Carmona relating to park user agreement, resolution and memorandum (1.5); meeting with Mr. Williams and Mr. Chin on financing purchase (.5); and attention to pending items.	5.50	1,017.50
1/27/2009	EAB	Discussion with Commander Truitt on red light cameras; analyzed several city codes relating to same; drafted red light camera ordinance and memorandum (2.5); telephone conference with Ms. Stanczyk and revised shed ordinance and FTY&I ordinance and cover memorandum, follow up with Staff relating to same (1.5); attention to and revised loan ordinance with Mr. Chin (.5) attention to and provided comments on the two differnt credit card proposed agreement for village hall use and analyzed section 215.322, Fla. Stat., provided direction to Mr. Chin (1.0 -.5 for each); and communications with Mr. Silver and Mr. Silva and attention to DERM request (.3).	5.80	1,073.00
			Total Professional Services	16,502.00

Rate Summary

Luis R. Figueredo	1.00 hours at \$185.00/hr	185.00
Eve A. Boutsis	88.20 hours at \$185.00/hr	16,317.00
Total hours:	89.20	16,502.00
1/27/2009	Disbursements incurred - 2.0%	330.04

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

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, 2009
 Matter ID: 0293-004
 Code Enforcement
 Invoice Number 19839

			Hours	Amount
12/31/2008	EAB	Attention to tree permit issue with resident and building department.	0.30	55.50
1/7/2009	EAB	Telephone conference with Ms. Arleen Weintraub and Mr. Efran Nunez on mobile/outdoor vendors.	0.20	37.00
1/14/2009	EAB	Meeting with Golden Rule Seafood and Code Compliance; and attention to shed related CCINs with Ms. Weintraub.	0.50	92.50
1/15/2009	EAB	Attended code compliance staff meeting to prepare for special master hearing.	2.00	370.00
1/16/2009	EAB	Attention to claim of lien.	0.20	37.00
1/20/2009	EAB	Prepared for and attended special master hearing.	2.00	370.00
1/21/2009	EAB	Attended meeting with police department and code compliance; attended meeting with code compliance on pending items and cases; attended meeting with code compliance and Golden Rule Seafood and their lawyer.	3.00	555.00
			Total Professional Services	1,517.00

Rate Summary

Eve A. Boutsis	8.20 hours at \$185.00/hr	1,517.00
Total hours:	8.20	1,517.00

1/27/2009 Disbursements incurred - 2.0% 30.34

Payments and Credits

1/27/2009 Check No.: 8529 547.23

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.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

Sub-total Payments:	<u>547.23</u>
For Professional Services	1,517.00
For Disbursements Incurred	30.34
Current Balance:	<u>1,547.34</u>
Previous Balance:	547.23
Payments - Thank you	547.23
Total Due	<u>1,547.34</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

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, 2009
 Matter ID: 0293-022
 Village of Palmetto Bay -
 Invoice Number 19840

			Hours	Amount
1/14/2009	EAB	Telephone conference with Mayor Eugene Flinn; and telephone conference with Ms. Nina Boniske.	0.30	55.50
1/14/2009	EAB	Attended attorney client privilege meeting.	0.50	92.50
1/27/2009	EAB	Communications with Ms. Boniske, Mr. Craig Collier, and Mr. John Hearn.	0.30	55.50
			Total Professional Services	203.50

Rate Summary

Eve A. Boutsis 1.10 hours at \$185.00/hr 203.50

Total hours: 1.10 203.50

1/27/2009 Disbursements incurred - 2.0% 4.07

Payments and Credits

1/27/2009 Check No.: 8529 465.79

Sub-total Payments: 465.79

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.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

For Professional Services	203.50
For Disbursements Incurred	4.07
Current Balance:	<u>207.57</u>
Previous Balance:	465.79
Payments - Thank you	465.79
Total Due	<u>207.57</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

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, 2009
 Matter ID: 0293-027
 Palmer Trinity Private School,
 Invoice Number 19841

			Hours	Amount
11/24/2008	HJM	Received and reviewed mediator's report to the Court.	0.10	18.50
1/5/2009	HJM	Prepared e-mail communication to Mr. Tucker Gibbs.	0.10	18.50
1/5/2009	HJM	Conference with E. Boutsis concerning Miami-Dade Public corruption unit and its investigation.	0.20	37.00
1/7/2009	HJM	Received and reviewed multiple e-mail correspondence from Mr. Tucker Gibbs and prepared responses thereto.	0.20	37.00
1/15/2009	HJM	Received and reviewed Notice of Hearing on Plaintiff's Motion for Partial Summary Judgment.	0.10	18.50
1/16/2009	HJM	Read and reviewed cases included in Petitioner's reply brief; shepperdized same.	5.40	999.00
1/20/2009	HJM	Continued reviewing cases cited in Petitioner's reply.	4.00	740.00
1/22/2009	HJM	Continued reviewing cases cited in reply; updated legal research supporting arguments of the Village in its Response to Petition.	7.40	1,369.00
1/23/2009	HJM	Conducted additional research on issue concerning standards for traffic studies and competent substantial evidence.	4.80	888.00
			Total Professional Services	4,125.50

Rate Summary

	H. James Montalvo	22.30 hours at \$185.00/hr	4,125.50
		Total hours: 22.30	4,125.50
1/27/2009	Disbursements incurred - 2.0%		82.51

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.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

Payments and Credits

1/27/2009 Check No.: 8529 8,070.36

Sub-total Payments: 8,070.36

For Professional Services 4,125.50

For Disbursements Incurred 82.51

Current Balance: 4,208.01

Previous Balance: 8,070.36

Payments - Thank you 8,070.36

Total Due **4,208.01**

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

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, 2009
 Matter ID: 0293-029
 Palmer Trinity v. VPB - Appeal
 Invoice Number 19842

			Hours	Amount
1/7/2009	EAB	Communications with W. Tucker Gibbs and village council.	0.20	37.00
				<hr/>
Total Professional Services				37.00

Rate Summary

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

1/27/2009	Disbursements incurred - 2.0%	0.74
-----------	-------------------------------	------

Payments and Credits

12/15/2008	Check No.: 8344	1,000.11
Sub-total Payments:		<hr/> 1,000.11

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.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

For Professional Services	37.00
For Disbursements Incurred	0.74
Current Balance:	<u>37.74</u>
Previous Balance:	1,000.11
Payments - Thank you	1,000.11
Total Due	<u>37.74</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.