

**RESOLUTION NO. 2010-45**

**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 FBM LAW OFFICES IN THE AMOUNT OF \$26,245.85; 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**, FBM LAW OFFICES, submitted its statements to the village for legal services rendered, and costs advanced, for the period ending April 27, 2010, in the amount of \$26,245.85; and,

**WHEREAS**, the amounts are reasonable and were necessarily incurred.

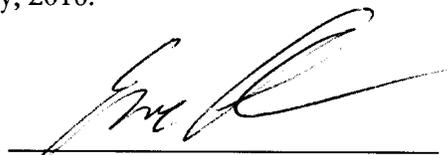
**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

**Section 1.** The statements for attorneys' fees and costs received from FBM LAW OFFICES, in the total amount of \$26,245.85, 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 May, 2010.

Attest:   
Meighan Rader  
Village Clerk

  
Eugene P. Flinn, Jr.  
Mayor

APPROVED AS TO FORM:

  
Eve A. Boutsis,  
FBM LAW OFFICES, as Office  
of the Village Attorney

FINAL VOTE AT ADOPTION:

Mayor Eugene P. Flinn, Jr.            YES \_\_\_\_\_

Vice Mayor Brian W. Pariser        YES \_\_\_\_\_

Council Member Ed Feller           YES \_\_\_\_\_

Council Member Howard J. Tendrich YES \_\_\_\_\_

Council Member Shelley Stanczyk   YES \_\_\_\_\_

# FBM LAW OFFICES

## Attorneys & Counselors

18001 Old Cutler Road - Fifth Floor

Telephone: (305) 235-9344

Miami, Florida 33157-6417

Facsimile: (305) 235-9372

April 27, 2010

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

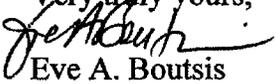
Dear Mr. Williams:

Enclosed are our invoices for professional services rendered and for costs advanced for the period ending April 27, 2010, in the amount of \$26,245.85. I have tabulated the amounts *currently due* on each individual file as follows:

<b>Please deduct from Village Attorney Account No. 5143110, General Legal.</b>				
0293-001	Non-Retainer Legal Services <i>Invoice No. 20100 dated 4/27/10</i>	Prof'l Services	\$	5,013.50
		Disbursements		555.70
		<b>Total Due</b>		<b>5,569.20</b>
	<b>Total</b>		\$	<b>5,569.20</b>
<b>Please deduct from Village Attorney Account No. 5143140, Code Enforcement.</b>				
0293-002	Zoning Application <i>Invoice No. 20101 dated 4/27/10</i>	Prof'l Services	\$	55.50
		Disbursements		1.11
		<b>Total Due</b>		<b>56.61</b>
	<b>Total</b>		\$	<b>56.61</b>
0293-004	Code Enforcement <i>Invoice No. 20102 dated 4/27/10</i>	Prof'l Services	\$	92.50
		Disbursements		1.85
		<b>Total Due</b>		<b>94.35</b>
	<b>Total</b>		\$	<b>94.35</b>

0293-029	Palmer Trinity v, VPB-Appeal <i>Invoice No. 20103 dated 4/27/10</i>	Prof'l Services Disbursements <b>Total Due</b>	\$	19,702.50 545.69 <b>20,248.19</b>
0293-042	Joseph Hagan, et al. v. VPB <i>Invoice No. 20095 dated 4/6/10</i>	Prof'l Services Disbursements <b>Total Due</b>	\$	277.50 0.00 <b>277.50</b>
	<b>Grand Total</b>		\$	<b>26,245.85</b>

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

**FBM LAW OFFICES  
ATTORNEYS & COUNSELORS**

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone No.: (305) 235-9344

Facsimile: (305) 235-9372

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

April 27, 2010  
Matter ID: 0293-001  
General Municipal-VPB  
Invoice Number 20100

			Hours	Amount
4/6/2010	EAB	Telephone conference with Dr. Ed Feller; telephone conference with Mayor Eugene Flinn.	0.40	74.00
4/7/2010	EAB	Revised ordinance prepared by Ms. Fanny Carmona.	0.60	111.00
4/7/2010	EAB	Research relating to public records and enforcement; telephone conference with AGO regarding same; provided update to Dr. Feller; telephone conference with Ms. Meghan Rader; and follow up on public records requests.	0.60	111.00
4/7/2010	EAB	Telephone conference with Mayor Flinn; and telephone conference with Mr. Silva on pending items.	0.40	74.00
4/8/2010	EAB	Attention to Shannon Melendi Act and attention to Baker Act inquiry by attorney; telephone conference with Mr. Luis Nunez of MDC regarding Fire Station; and telephone conference with Mr. Ed Silva regarding same.	0.70	129.50
4/8/2010	EAB	Drafted letter to Newland Trucking; updated draft letter to MB; and telephone conference with CB.	0.60	111.00
4/12/2010	EAB	Prepared for council agenda; analyzed agenda items; p attention to golf cart registration; and attention to video camera related matter.	1.00	185.00
4/12/2010	EAB	Attended council meeting.	2.50	462.50
4/13/2010	EAB	Attended meeting with Mr. Ron Williams and Ms. Rader regarding drafting Senate Bill 6 opposition resolution and finalized same.	1.00	185.00
4/15/2010	EAB	Meeting with Mr. Silva and Ms. Olga Casaval regarding MB/CB; telephone conference with CB counsel.	1.80	333.00
4/15/2010	EAB	Attention to Tramutola matter.	0.40	74.00
4/15/2010	EAB	Telephone conference with Attorney Aaron C. Dunlap of Shubin & Bass relating to public records requests of 17601 Old Cutler Road, Elliot Burch property; telephone conference with Mr. Silva; follow up with staff; prepared confirming document to Mr. Dunlap as to documents availability, research, cost and clarifying that there was	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.

## CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

		no eminent domain action.	
4/16/2010	EAB	Attention to CB-MB meeting.	0.10 18.50
4/16/2010	EAB	Communications with Shubin firm relating to public records.	0.10 18.50
4/19/2010	EAB	Telephone conference with Building Dept on pending items; attention to MB; discussion with Mr. Williams; attention to public record request (Shubin); and attention to public record request (Hagan).	0.60 111.00
4/19/2010	EAB	Drafted and revised Art contract for Public Art for Village Artwork selection; and provided direction to staff.	1.50 277.50
4/19/2010	EAB	Attended Beeson/Taylor meeting; and telephone conference with Mr. Williams and Mr. Silva.	1.50 277.50
4/20/2010	EAB	Revised continuing services agreement.	2.00 370.00
4/20/2010	EAB	Revised rental agreements for Thalatta based upon council input at April council meeting; and provided same to staff.	0.30 55.50
4/20/2010	EAB	Follow up on MB matter; and follow up on FPL matter.	0.30 55.50
4/20/2010	EAB	Meeting with Mr. Silva and Ms. Carmona regarding on the Coral Reef Bridge matter and scope of work.	1.00 185.00
4/21/2010	LRF	Reviewed contracts and addendums and develop strategy relating to MB.	1.50 277.50
4/21/2010	EAB	Communications with Mr. Coker; and attention to FPL filings/proceedings; attention to MDC Solid Waste ordinance revisions.	0.60 111.00
4/21/2010	EAB	Began drafting revisions to CR Park bridge contract based upon council resolution approving scope of work.	1.00 185.00
4/21/2010	EAB	Revised draft Golf Cart Ordinance/Traffic relating to reporting of insurance requirements.	0.40 74.00
4/22/2010	EAB	Attended Career Day at Southwood Middle School, per their request to the office of the Village Attorney (no charge).	3.00 0.00
4/22/2010	EAB	Attention to FPL filings; drafted golf cart revised memorandum; and attention to Village Hall.	0.30 55.50
4/23/2010	LRF	Revised release.	0.50 92.50
4/23/2010	LRF	Revised release for Master Builders.	1.00 185.00
4/23/2010	EAB	Communications with Mr. Richard Coker and Mr. Vinie Vacarella; drafted release; and meeting with Mr. Williams.	1.50 277.50
4/23/2010	EAB	Drafted letter to Shubin & Bass firm relating to public record request.	0.30 55.50
4/27/2010	EAB	Analyzed bond ordinance and loan agreement for 14 million.	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.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

Total Professional Services	5,013.50
-----------------------------	----------

**Rate Summary**

Luis R. Figueredo	3.00 hours at \$185.00/hr	555.00
Eve A. Boutsis	3.00 hours at \$ 0.00/hr	0.00
Eve A. Boutsis	24.10 hours at \$185.00/hr	4,458.50

	Total hours: 30.10	5,013.50
--	--------------------	----------

**Disbursements**

3/31/2010	Database Legal research	455.43
4/27/2010	Disbursements incurred - 2.0%	100.27

**Payments and Credits**

4/19/2010	Check No.: 10739	17,100.06
-----------	------------------	-----------

	Sub-total Payments: 17,100.06
--	-------------------------------

For Professional Services	5,013.50
---------------------------	----------

For Disbursements Incurred	555.70
----------------------------	--------

Current Balance:	5,569.20
------------------	----------

Previous Balance:	17,100.06
-------------------	-----------

Payments - Thank you	17,100.06
----------------------	-----------

<b>Total Due</b>	<b>5,569.20</b>
------------------	-----------------

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.

**FBM LAW OFFICES  
ATTORNEYS & COUNSELORS**

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone No.: (305) 235-9344

Facsimile: (305) 235-9372

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

April 27, 2010  
Matter ID: 0293-002  
Zoning Applications  
Invoice Number 20101

			Hours	Amount
4/13/2010	EAB	Telephone conference with Mr. Silver and attention to fire station matter.	0.30	55.50
				55.50
<b>Total Professional Services</b>				<b>55.50</b>

**Rate Summary**

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

4/27/2010	Disbursements incurred - 2.0%	1.11
-----------	-------------------------------	------

**Payments and Credits**

4/19/2010	Check No.: 10739	4,585.41
Sub-total Payments:		4,585.41

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	55.50
For Disbursements Incurred	1.11
	<hr/>
Current Balance:	56.61
Previous Balance:	4,585.41
Payments - Thank you	4,585.41
	<hr/>
<b>Total Due</b>	<b>56.61</b>

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.



CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

For Professional Services	92.50
For Disbursements Incurred	1.85
	<hr/>
Current Balance:	94.35
Previous Balance:	377.40
Payments - Thank you	377.40
	<hr/>
<b>Total Due</b>	<b>94.35</b>

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.

**FBM LAW OFFICES**  
**ATTORNEYS & COUNSELORS**

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone No.: (305) 235-9344

Facsimile: (305) 235-9372

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

April 27, 2010  
 Matter ID: 0293-029  
 Palmer Trinity v. VPB - Appeal  
 Invoice Number 20103

			Hours	Amount
4/7/2010	EAB	Meeting with Mr. Julian Perez regarding plans and recommendations; telephone conference with Mr. Price.	8.00	1,480.00
4/7/2010	EAB	Follow up with Council Persons and staff regarding pending matter.	1.50	277.50
4/8/2010	EAB	Meeting with Mr. Perez, architect, Mr. Murphy, Mr. Price, Ms. Deas relating to plans (2.5); attention to MDC Code related matters; attention to analysis; communications with Mr. Tucker Gibbs and Mr. Price relating to community meeting; telephone conference with Ms. Eileen Mehta regarding inquiries as to procedures; and attention to disclosures.	4.00	740.00
4/8/2010	EAB	Follow up on legal analysis.	1.00	185.00
4/9/2010	EAB	Attention to rezoning ordinance and resolutions; revised same; telephone conference with Mr. Perez; telephone conference with Mr. Price; attention to community meeting advertisement; telephone conference with Mr. Williams; communications with Council members; communications with Mr. Gibbs; and coordinated meeting schedules with individual council persons.	3.50	647.50
4/10/2010	EAB	Research and drafting of legal research as to standard for quasi-judicial hearing and supporting evidence, challenges.	3.50	647.50
4/12/2010	EAB	Telephone conferences with Mr. Tucker Gibbs; telephone conference with Ms. Eileen Mehta; telephone conference with Mr. Joe Corradino; telephone conference with Mr. Julian Perez; telephone conference with various Council Members; continued research and analysis relating to upcoming hearings; attention to mandate; telephone conference with Mr. Stanley Price/Ms. Mehta; telephone conference with Mr. Tucker Gibbs (additional call); telephone conference with Mr. Ron Williams and Ms. Meighan Rader.	4.00	740.00
4/13/2010	EAB	Attended meeting with Mr. Perez relating to PT application.	2.00	370.00
4/13/2010	EAB	Continued legal research and drafting of memorandum regarding zoning standards; telephone conference with Mr. George Knox; telephone conferences with Ms. Mehta; review of Mr. Gibbs'	5.00	925.00

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

		communications; telephone conference with Mr. Perez; telephone conference with CPs; distribution of mandate.		
4/14/2010	EAB	Continued to draft memorandum; meeting with Mr. Perez, Ms. Mehta, Ms. Alex Deas, and architects on revisions and ground rules of hearing; attention to disclosures; and telephone conference with CPs and Village Manager.	5.00	925.00
4/15/2010	EAB	Continued drafting legal analysis; telephone conference with Mr. Williams, Mr. Corradino, Council Persons; meeting with Mr. Perez; communications with Mr. Gibbs; communications with Ms. Mehta; and attention to landscape architectural matters.	4.00	740.00
4/15/2010	EAB	Communications with Mr. Corradino; analyzed reports and provided input.	1.00	185.00
4/16/2010	EAB	Telephone conference with Mr. Knox; telephone conference with Mr. Price; attention to Jennings items; telephone conference with Mr. Perez; telephone conference with Ms. Rader and Mr. Williams; analyzed county code; corrected citations and finalized legal analysis 28 pages.	6.00	1,110.00
4/17/2010	EAB	Attended community meeting; prepared prior to meeting; and after action; communications with community and applicant.	3.50	647.50
4/19/2010	EAB	Meeting with CP Howard Tendrich, Mr. Perez, and Mr. Williams (1.5); attention to PT matter; meeting with Mr. Perez; follow up with counsel; communications with VM Parisier; telephone conference with Mr. Williams; follow up with Mr. Price and Commander Greg Truitt.	2.70	499.50
4/19/2010	EAB	Attention to SW 176th Street and police services; communications with VM Parisier; began distributing record; circulated memorandum of law; circulated appendix; telephone conference with Ms. Deas; telephone conference with Ms. Mehta; communications with Mr. Price and Mr. Gibbs; communications with Mr. Corradino; analyzed comprehensive plan and provided comments to Mr. Perez; reviewed final zoning analysis on dec; and attention to Jennings issues; communications with CP Stanczyk regarding record; attention to disclosures.	2.50	462.50
4/20/2010	EAB	Attention to disclosures; final review of rezoning recommendation; communications with Ms. Deas; attention to records requests by PT; telephone conference with Ms. Deas; communications with Ms. Rader, Mr. Gibbs, Mr. Price relating to public records; telephone conference with Mr. Perez; attention to finalizing rezoning ordinance; and attention to Corradino report.	1.50	277.50
4/20/2010	EAB	Began drafting covenant language; follow up on public records.	3.00	555.00
4/20/2010	EAB	Meeting with Mr. Perez and continued to assist on the zoning process/memorandum/legal analysis.	2.80	518.00
4/21/2010	EAB	Analyzed traffic and other analyses; continued to draft dec of restrictions; proposed; and communications with Mr. Price, traffic experts and Mr. Perez.	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

4/21/2010	EAB	Attended meeting with Mr. Perez and CP Dr. Ed Feller (1.5) and; meeting with Mr. Perez relating to public input comments, standards for review and finalizing documents.	3.00	555.00
4/22/2010	EAB	Telephone conference with Mr. Perez; communications with VM Pariser; telephone conference with Ms. Mehta; communications with Mr. Gibbs; and telephone conference with Mr. Perez.	1.50	277.50
4/23/2010	EAB	Meeting with Mr. Perez and Mr. Williams (.5); revised analysis and assisted Mr. Perez regarding same (2.5); meeting with Mr. Knox (2.); communications with Mr. Gibbs; communications with Mr. Price, Ms. Deas, Ms. Mehta and Mr. Gibbs; continued to edit recommendations; communications with Mr. Gibbs as to disclosures and 10 day rule; and communication with VM Pariser.	7.00	1,295.00
4/23/2010	EAB	Meeting with Tucker Gibbs.	0.50	92.50
4/24/2010	EAB	Meeting with Mr. Perez to review standards and assist in drafting report on PT zoning items for May 4th.	8.00	1,480.00
4/25/2010	EAB	Continued to work with Mr. Perez on zoning analysis.	8.00	1,480.00
4/26/2010	EAB	Meeting with Mr. Perez, Mr. Nunez to finalize exhibits and agenda item for May 4th; communications with architects, engineers on documents; communications with Mr. Price, Mr. Gibbs; meeting with VM Pariser to go over application (1.6); drafted zoning resolution; meeting with Mr. Williams regarding same; telephone conference with Dr. Feller; telephone conference with Mayor Flinn; telephone conference with CP Tendrich; and discussion with Ms. Rader on pending items and coordination of hearing.	11.00	2,035.00
4/27/2010	EAB	Communications with Mr. Price and Mr. Perez.	0.30	55.50
				19,702.50
			Total Professional Services	19,702.50

**Rate Summary**

Eve A. Boutsis	106.50 hours at \$185.00/hr	19,702.50
	Total hours: 106.50	19,702.50

**Disbursements**

3/31/2010	Database Legal research	31.89
4/27/2010	Disbursements incurred - 2.0%	513.80

**Payments and Credits**

4/19/2010	Check No.: 10739	6,762.96
		Sub-total Payments: 6,762.96

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	19,702.50
For Disbursements Incurred	545.69
	<hr/>
Current Balance:	20,248.19
Previous Balance:	6,762.96
Payments - Thank you	6,762.96
	<hr/>
<b>Total Due</b>	<b>20,248.19</b>

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.

# FIGUEREDO & BOUTSIS, P.A.

Attorneys & Counselors

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone: (305) 235-9344

Facsimile: (305) 235-9372

Ron E. Williams  
8950 SW 152 Street  
Palmetto Bay, Florida 33157

April 27, 2010  
Matter ID: 0293-042  
Joseph Hagan, et al. v. VPB

Invoice Number 20104

			Hours	Amount
4/8/2010	EAB	Follow up with the architects and Mr. Tom David.	0.20	37.00
4/12/2010	EAB	Attention to Hagan public records request.	0.30	55.50
4/14/2010	EAB	Communications with counsel for Hagens.	0.30	55.50
4/15/2010	EAB	Follow up on Hagan public records request.	0.10	18.50
4/23/2010	LRF	Follow up as to public records and communications with Opposing Counsel.	0.40	74.00
4/23/2010	EAB	Communications with Mr. Williams, Mr. Silva and Ms. Rader regarding public records and release of same.	0.20	37.00
				<hr/>
			Total Professional Services	277.50

## Rate Summary

Luis R. Figueredo	0.40 hours at \$	185.00/hr	74.00
Eve A. Boutsis	1.10 hours at \$	185.00/hr	203.50

Total hours: 1.50

## Payments

4/19/2010	Payment	Check No.: 10739	1,443.00
			<hr/>
Sub-total Payments:			1,443.00

Payment is due upon receipt. Please notify us within 10 days of receipt 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.

For Professional Services	277.50
For Disbursements Incurred	0.00
Current Balance:	<hr/> 277.50
Previous Balance:	1,443.00
Payments - Thank you	1,443.00
<b>Total Due</b>	<hr/> <b>277.50</b>

Invoice Number: 20104

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

Payment is due upon receipt. Please notify us within 10 days of receipt 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.