

RESOLUTION NO. 05-17

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 \$12,958.72; 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 February 24, 2005, in the amount of \$12,958.72; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

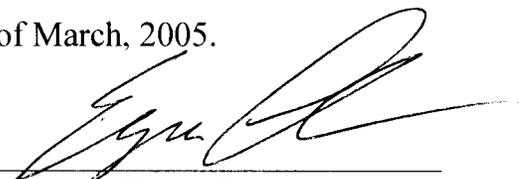
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The statements for attorneys' fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$12,958.72, copies of which are attached, are approved for payment.

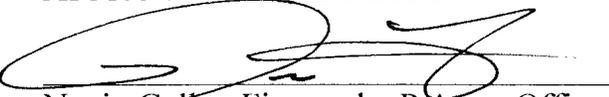
Section 2. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 7th day of March, 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

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

3225 Aviation Avenue - Third Floor
Miami, Florida 33133-4741
Telephone: (305) 854-5353 *Facsimile:* (305) 854-5351

March 2, 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:

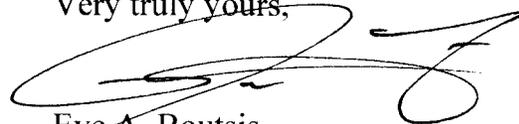
Enclosed are our statements for professional services rendered and for costs advanced for the period ending February 24, 2005. The amounts due are as follows:

0293-001	Non-Retainer Legal Services <i>Statement No. 17048 dated 2/24/05</i>	Prof'l Services	\$	5,920.00
		Disbursements		18.36
		Total		5,938.36
0293-002	Zoning Applications <i>Statement No. 17049 dated 2/24/05</i>	Prof'l Services	\$	1,628.00
		Disbursements		0.00
		Total		1,628.00
0293-005	Real Property <i>Statement No. 17052 dated 2/24/05</i>	Prof'l Services	\$	0.00
		Disbursements		18.00
		Total		18.00
0293-007	Old Cutler Presbyterian Church <i>Statement No. 17059 dated 2/24/05</i>	Prof'l Services	\$	4,995.00
		Disbursements		379.36
		Total		5,374.36
	TOTAL CURRENTLY DUE		\$	12,958.72

Letter to Charles D. Scurr, Village Manager
March 2, 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 large, stylized flourish at the end.

Eve A. Boutsis,
Office of the Village Attorney

EAB/blr

Enclosures

cc: Mayor and Village Council

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

3225 Aviation Avenue, Suite 301

Miami, Florida 33133

Telephone: (305) 854-5353

Facsimile: (305) 854-5351

Eugene P. Flinn, Jr.
Mayor
Village of Palmetto Bay
9100 S. Dadeland Boulevard
Suite 1000
Miami, Florida 33156

February 24, 2005
Matter ID: 0293-001
General Municipal
Statement No. 17048

			Hours	Amount
1/27/2005	EAB	Follow up on public record request to Dr. Rodriguez, M-DC school board director, and zoning code ordinance.	0.30	55.50
1/27/2005	EAB	Reviewed special master orders and provided direction to staff.	0.70	129.50
1/28/2005	EAB	Charter school and five year plan for schools meeting with Mr. Charles Scurr; analyzed public record documents produced by school board; analyzed Alemar litigation; prepared public record request to county attorney regarding Alemar property; prepared supplemental public record request to school board; e-mail communication to staff, Mr. Jerry Proctor, and Mr. Henry Paper; e-mail communications with Ms. Judy Miller regarding zoning ordinance.	3.50	647.50
2/1/2005	EAB	Finalized zoning procedures ordinance.	0.70	129.50
2/3/2005	EAB	Drafted follow-up letter to Mr. S. Peter Capua.	0.20	37.00
2/4/2005	EAB	Attention to competitive negotiations act and telephone conference with mayor Eugene Flinn.	0.60	111.00
2/4/2005	EAB	Telephone conference with Mr. Proctor regarding CDMP issues; and telephone conference with Mr. Scurr regarding CDMP.	0.40	74.00
2/5/2005	EAB	Attended CDMP workshop.	5.00	925.00
2/7/2005	LRF	Attended breakfast meeting with Mr. Scurr and Ms. Boutsis.	1.00	185.00
2/7/2005	EAB	Attended breakfast meeting with Mr. Scurr and Mr. Figueredo.	1.00	185.00
2/9/2005	EAB	Attended meeting with MDPD staff, Chief Mouring, Mr. Scurr, and Ms. Arleen Weintraub regarding police services and code enforcement related items; meeting with code enforcement staff regarding code enforcement agenda; and attention to Mr. Capua's documents related to unsafe structure.	1.60	296.00
2/9/2005	EAB	Analyzed SFWMD Local Government Agreement for \$400,000 in funding to village; and provided comments to Mr. Ron Williams on this item.	0.70	129.50

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.

Nagin Gallop Figueredo P.A.**Matter ID: 0293-001 Statement No.: 17048****Page: 2**

2/10/2005	EAB	E-mail communication with Mr. Williams and Ms. Paterson regarding SFWMD comments to my recommended grant agreement changes; and analyzed comments by Mr. Jerry Proctor relating to CDMP.	0.20	37.00
2/10/2005	NDH	Briefly conferred with Ms. Boutsis re: upcoming special master hearing, reviewed case files re: the same.	0.20	37.00
2/11/2005	EAB	Telephone conference with Ms. Miller and Mr. Proctor regarding Alemar site plan and needed information; coordinated meeting with Ms. Weintraub and Ms. Miller regarding zoning code; and attention to code enforcement agenda.	0.60	111.00
2/14/2005	NDH	Analyzed and researched code enforcement and special master ordinances prior to special master hearing.	0.20	37.00
2/15/2005	EAB	Analyzed comprehensive plan; telephone conference with Mr. Scurr; and telephone conference with mayor Flinn regarding comprehensive plan.	3.00	555.00
2/15/2005	EAB	Attended comprehensive plan hearing.	6.00	1,110.00
2/15/2005	NDH	Conferred with code enforcement officers re: background facts that related to each case; attended special master hearing; briefly conferred with Ms. Boutsis re: status of hearing.	4.50	832.50
2/17/2005	EAB	Telephone conference with mayor Flinn regarding pending items and CDMP.	0.10	18.50
2/18/2005	EAB	Attended luncheon meeting with Mssrs. Scurr and Flinn. [No charge].	1.40	0.00
2/22/2005	EAB	Telephone conference with Ms. Christina Prkic of M-DC Comm'n on Ethics on interpretation of county lobbying and gift ordinance.	0.10	18.50
2/23/2005	EAB	Telephone conference with Mr. John Morrison regarding personal injury coverage; and prepared letter to Mr. Morrison regarding same.	0.40	74.00
2/23/2005	EAB	Attention Red. Christ. Church issue.	0.30	55.50
2/23/2005	EAB	Meeting with Mr. Scurr regarding pending items.	0.20	37.00
2/24/2005	LRF	Teleconference with Charles Scurr re: preparation of parking agreement for library and status of Publix Park.	0.50	92.50
			Total Professional Services	5,920.00

Rate Summary

Luis R. Figueredo	1.50 hours at \$185.00/hr	277.50
Eve A. Boutsis	1.40 hours at \$ 0.00/hr	0.00

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Eve A. Boutsis	25.60 hours at \$185.00/hr	4,736.00
Nakia D. Henry	4.90 hours at \$185.00/hr	906.50

Total hours: 33.40

Expenses

Mileage	14.04
Telefacsimile charge	0.00
Photocopies	0.00
Postage Charge	4.32

Sub-total Expenses: 18.36

Payments

2/5/2004	Payment		13,159.95
2/1/2005	Payment	Check No. 2822	4,805.86
12/13/2004	Payment		7,572.86
11/8/2004	Payment		12,015.67
11/25/2003	Payment	Ck#1456	15,917.11

Sub-total Payments: 53,471.45

For Professional Services	5,920.00
For Disbursements Incurred	18.36

Current Balance:	<u>5,938.36</u>
Previous Balance:	81,803.29
Payments - Thank you	53,471.45

Total Due 34,270.20

To be properly credited, please indicate Statement Number 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.

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

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Miami, Florida 33133

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Eugene P. Flinn, Jr.
Mayor
Village of Palmetto Bay
9100 S. Dadeland Boulevard
Suite 1000
Miami, Florida 33156

February 24, 2005
Matter ID: 0293-002
Zoning Applications

Statement No. 17049

			Hours	Amount
2/2/2005	EAB	E-mail communication with Mr. Jerry Proctor regarding zoning matters; and received assignments regarding Alemar.	0.30	55.50
2/3/2005	EAB	Analyze mandate and petition for certiorari by Alemar; drafted zoning resolution to quash decision of community council regarding Alemar project due to court ordered mandate; and telephone conference with Mr. Scurr on pending projects.	2.00	370.00
2/7/2005	EAB	Drafted resolution transmitting Comprehensive Plan draft to Florida Department of Community Affairs; drafted ordinance adopting comprehensive plan; and attention to motion related to mitigation.	2.50	462.50
2/9/2005	EAB	Meeting with Ms. Miller regarding zoning application item; meeting with Ms. Weintraub regarding CDMP resolution; and meeting with Mr. Scurr and Ms. Weintraub regarding CDMP and Mr. Proctor's requests	0.70	129.50
2/23/2005	EAB	Attended meeting with Ms. Miller and Ms. Weintraub regarding pending zoning applications and proposed ordinances; meeting with Mr. Henry Iler, Mr. Scurr, Ms. Weintraub, and Mr. Williams regarding CDMP revisions; and meeting with Mr. Sandoval, Mr. Walker, and Mr. Williams regarding ROW issue.	3.30	610.50
			Total Professional Services	1,628.00

Rate Summary

Eve A. Boutsis 8.80 hours at \$185.00/hr 1,628.00

Total hours: 8.80

Payments

2/5/2004 Payment 1,539.25

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.

2/1/2005	Payment	Check No. 2822	1,258.00
		Sub-total Payments:	<u>2,797.25</u>
	For Professional Services		1,628.00
	For Disbursements Incurred		0.00
	Current Balance:		<u>1,628.00</u>
	Previous Balance:		22,150.43
	Payments - Thank you		2,797.25
		Total Due	<u>20,981.18</u>

To be properly credited, please indicate Statement Number 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.

NAGIN GALLOP FIGUEREDO^{PA.}

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Eugene P. Flinn, Jr.
Mayor
Village of Palmetto Bay
9100 S. Dadeland Boulevard
Suite 1000
Miami, Florida 33156

February 24, 2005
Matter ID: 0293-003
Comprehensive Plan
Statement No. 17050

For Professional Services	0.00
For Disbursements Incurred	0.00
Current Balance:	<u>0.00</u>
Previous Balance:	462.50
Payments - Thank you	0.00
Total Due	<u>462.50</u>

To be properly credited, please indicate Statement Number 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.

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

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Eugene P. Flinn, Jr.

February 24, 2005

Mayor

Matter ID: 0293-004

Village of Palmetto Bay

Code Enforcement

9100 S. Dadeland Boulevard

Statement No. 17051

Suite 1000

Miami, Florida 33156

For Professional Services	0.00
For Disbursements Incurred	0.00
Current Balance:	<u>0.00</u>
Previous Balance:	74.00
Payments - Thank you	0.00
Total Due	<u>74.00</u>

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

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Eugene P. Flinn, Jr.
Mayor
Village of Palmetto Bay
9100 S. Dadeland Boulevard
Suite 1000
Miami, Florida 33156

February 24, 2005
Matter ID: 0293-005
Real Property

Statement No. 17052

Expenses

Parking Charge	18.00
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Sub-total Expenses:	<u>18.00</u>
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Payments

2/5/2004	Payment		7,812.50
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11/25/2003	Payment	Ck#1456	3,959.00
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2/1/2005	Payment	Check No. 2822	1,424.50
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Sub-total Payments:	<u>13,196.00</u>
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For Professional Services	0.00
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For Disbursements Incurred	18.00
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Current Balance:	<u>18.00</u>
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Previous Balance:	15,251.09
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Payments - Thank you	13,196.00
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Total Due	<u>2,073.09</u>
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To be properly credited, please indicate Statement Number on your remittance check.

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NAGIN GALLOP FIGUEREDO^{P.A.}

Attorneys & Counselors

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Miami, Florida 33133

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Facsimile: (305) 854-5351

Eugene P. Flinn, Jr.
Village of Palmetto Bay
9100 S. Dadeland Boulevard
Suite 1000
Miami, Florida 33156

February 24, 2005
Matter ID: 0293-007
Old Cutler Presby. Church
Statement No. 17059

			Hours	Amount
1/26/2005	EAB	Meeting with Mr. Shubin and Ms. Diane O'Quinn Williams regarding in basic accordance issues; and continued to prepare for oral argument.	8.00	1,480.00
1/26/2005	EAB	Meeting with Ms. Diane O'Quinn Williams and Mr. John Shubin and continued to prepare for oral argument.	6.00	1,110.00
1/27/2005	EAB	Attended oral argument and telephone conference with Mr. Scurr and mayor Flinn regarding outcome of oral argument.	3.00	555.00
2/9/2005	EAB	Telephone conference with Mr. Tucker Gibbs regarding extension of time (meeting actually occurred 2/8/04); and prepared unopposed motion for extension of time.	0.20	37.00
2/22/2005	EAB	Legal research on ripeness, standing, laches, and several other defenses; began drafting motion to dismiss declaratory action complaint; telephone conference with Mr. Shubin regarding final order on certiorari action (denying certiorari); continued to draft motion to dismiss; telephone conference with Mr. Charles Scurr and mayor Eugene Flinn regarding same; and e-mail communications with council regarding per curium decision on village's favor.	8.00	1,480.00
2/23/2005	EAB	Telephone conference with Mr. Gibbs regarding OCPC.	0.40	74.00
2/24/2005	LRF	Revised motion to dismiss in OCPC matter; conference with EAB regarding same.	1.40	259.00
			Total Professional Services	4,995.00

Rate Summary

Luis R. Figueredo	1.40 hours at \$185.00/hr	259.00
Eve A. Boutsis	25.60 hours at \$185.00/hr	4,736.00

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Total hours:	<u>27.00</u>	<u>4,995.00</u>
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Disbursements

2/10/2005	Legal research	165.44
2/10/2005	Legal research	11.91
2/10/2005	Legal research	101.93
2/24/2005	Disbursements incurred - 3.0%	100.08

Payments and Credits

2/1/2005	Check No. 2822	6,417.97
		<u>6,417.97</u>

For Professional Services	4,995.00
For Disbursements Incurred	379.36
	<u>5,374.36</u>
Current Balance:	14,690.99
Previous Balance:	6,417.97
Payments - Thank you	<u>6,417.97</u>
Total Due	<u>13,647.38</u>

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

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

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Miami, Florida 33133

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Eugene P. Flinn, Jr.
Mayor
Village of Palmetto Bay
9100 S. Dadeland Boulevard
Suite 1000
Miami, Florida 33156

February 24, 2005
Matter ID: 0293-009
Palmetto Bay Foundation, Inc.

Statement No. 17056

Payments

2/1/2005	Payment	Check No. 2822	195.50
		Sub-total Payments:	<u>195.50</u>

For Professional Services	0.00
For Disbursements Incurred	0.00
Current Balance:	<u>0.00</u>
Previous Balance:	288.74
Payments - Thank you	195.50
Total Due	<u>93.24</u>

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

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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>