

RESOLUTION NO. 03-75

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 \$10,726.10; 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 statement to the village for legal services rendered, and costs advanced, for the period ending July 31, 2003, in the amount of \$10,726.10; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

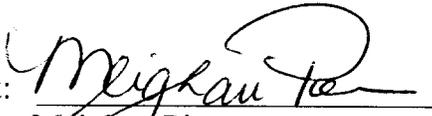
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

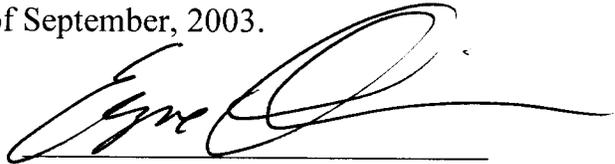
Section 1. The statement for attorneys' fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$10,726.10, a copy of which is attached, is approved for payment

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

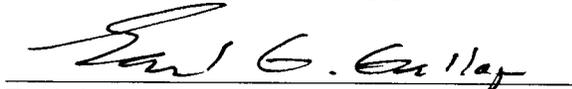
PASSED and ADOPTED this 8th day of September, 2003.

Attest:


Meighan Pier
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


Earl G. Gallop,
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>

\\02srvplaw\prolaw\Documents\0293\DAJ\18953.doc - August 2003 statement

NAGIN GALLOP FIGUEREDO^{RA}*Attorneys & Counselors*

3225 Aviation Avenue, Suite 301

Miami, Florida 33133

Telephone: (305) 854-5353

Facsimile: (305) 854-5351

Eugene P. Flinn, Jr.

August 7, 2003

Mayor

Matter ID: 0293-001

Village of Palmetto Bay

General Municipal

9100 S. Dadeland Boulevard

Suite 1000

Statement No. 14510

Miami, Florida 33156

			Hours	Amount
07/02/2003	EGG	Advised regarding procurement requirements concerning purchase of trucks, and regarding determination by council to award bonus payment to CM.	0.30	55.50
07/02/2003	EAB	Analysis of occupational license draft and administrative process for implementing code through county services; and prepared email to Mr. Scurr on this issue.	0.50	92.50
07/07/2003	EGG	Prepared for and attended council meeting.	5.00	925.00
07/08/2003	EGG	Attention to after-meeting action items.	0.30	55.50
07/08/2003	EGG	Prepared for zoning hearing; reviewed application and staff report; reviewed opinion of title and declaration of restrictions; analyzed applicable judicial authorities; prepared memorandum regarding decision-making guidelines; attended zoning hearing.	6.90	1,276.50
07/08/2003	EAB	Legal research on waiver of irregularities in bid process and submission of late bids; and provided memorandum to Mr. Ron Williams on this matter.	1.50	277.50
07/09/2003	EAB	Drafted ethics ordinance, and telephone conference with Ms. Christina Prkic regarding revised county lobbying ordinance.	2.00	370.00
07/10/2003	EAB	Analysis of Cingular Wire cellular contract and provided memorandum regarding contract provisions.	1.50	277.50
07/10/2003	EAB	Telephone conference with Ms Christina Prkic of Miami-Dade Commission on Ethics to discuss revisions to ethics code.	0.20	37.00
07/11/2003	EAB	Attended village celebration welcoming police force to the village.	2.50	0.00
07/11/2003	EAB	Finalized memorandum on Cingular Wireless contract; attention to Miami Lakes interlocal agreement regarding finance director position; attention to and analysis of Ashbritt contract and provided memorandum on contract; and analyzed and provided memorandum to Mr. Ron Williams on the phase I environmental contract.	3.00	555.00

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.

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07/14/2003	EAB	Analyzed agenda and reviewed interlocal agreement and millage rate resolution.	0.50	92.50
07/14/2003	EAB	Attended special council meeting.	2.50	462.50
07/15/2003	EGG	Briefly reviewed and executed transition, local patrol and special police services interlocal agreements.	0.30	55.50
07/15/2003	EAB	Analysis of addendum to IKON contract; and telephone conference with Ms. Pier regarding proposed addendum and provisions not addressed in addendum that need to be addressed.	0.60	111.00
07/15/2003	EAB	Attention to finance director interlocal agreement.	0.30	55.50
07/16/2003	EGG	Telephone conferences with mayor Flinn and Mr. Scurr.	0.60	111.00
07/17/2003	EGG	Attended council workshop.	2.20	407.00
07/18/2003	EGG	Analyzed recent decision of Fla. 3d DCA in Royal World Metropolitan v. City of Miami Beach construing sovereign immunity provision of Bert J. Harris, Jr. Private Property Rights Act to not bar a claim against the city.	0.20	37.00
07/18/2003	EAB	Email communications with Mr. Ron Williams regarding village's RFP process, and whether RFP responses are public records.	0.30	55.50
07/18/2003	EAB	Revised interlocal with Miami Lakes regarding finance director.	0.40	74.00
07/21/2003	EGG	Revised ordinance providing council meeting and agenda procedures.	1.90	351.50
07/21/2003	EGG	Prepared zoning moratorium ordinance.	1.00	185.00
07/21/2003	EAB	Began analysis and commentary on two draft bids for construction and park services; and prepared email to Ms. Olga Cadaval and Ms. Ana Garcia regarding the draft bids.	3.00	555.00
07/21/2003	EAB	Email communication with Mr. Patterson and attention to Ashbritt contract modifications.	0.20	37.00
07/22/2003	EAB	Legal research of and analysis of Smith v. City of Clearwater, 383 So.2d 681 (Fla. 2d DCA 1980); the pending legislation doctrine, sheppardized Smith and progeny and drafted memorandum to file regarding application of Smith and zoning moratorium; legal research on procedures for advertising moratorium; drafted facsimile enclosing relevant hearing advertisement sections to Mr. Scurr and Ms. Pier; e-mail communications with Mr. Williams regarding ATC contract revisions; and telephone conference with Ms. Miller of ATC regarding agreement as to contract revisions and deadlines.	2.50	462.50
07/23/2003	EGG	Telephone conference with Mr. Scurr regarding zoning application, moratorium and related matters.	0.30	55.50
07/23/2003	EAB	Meeting with Mr. Gallop regarding upcoming agenda.	0.20	37.00

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Date	Initials	Description	Rate	Amount
07/24/2003	EGG	Telephone conference with mayor Flinn regarding proposed moratorium ordinance, lobbyist registration and implementing unique charter provision prohibiting lobbying by campaign contributors.	0.50	92.50
07/24/2003	NDH	Reviewed case law and drafted and updated memorandum re: William's Rule within child abuse cases to include additional arguments.	5.00	925.00
07/25/2003	EGG	Attended meeting with Mr. Joe Goldstein and Mr. Scurr regarding request by property owner of shopping center to be relieved from restrictive covenants and discussed MDC ordinances "curing" Omnipoint defects for residential and commercial zones; attended meeting with Ms. Pier and attention implementing charter requirements prohibiting certain persons from engaging in lobbying activities and regulating others; instructions to work attorney regarding finalizing draft lobbying regulation ordinance; attended meeting with Mr. Scurr regarding variety of village matters.	3.30	610.50
07/25/2003	EGG	Reviewed, commented on and approved proposed interlocal agreement for services of finance director.	1.20	222.00
07/25/2003	EAB	Attention to ATC environmental contract and e-mail communication with Ms. Miller, counsel for ATC; and e-mail communications with Mr. Williams regarding Ashbriitt contract revisions.	0.40	74.00
07/25/2003	EAB	Legal research on whether commissioner home phone numbers are exempt from public records.	0.60	111.00
07/27/2003	EAB	Analysis of revised Ashbriitt contract and authorized matter to be placed on agenda.	0.50	92.50
07/28/2003	EGG	Telephone call and e-mail communication to Mr. Pastoriza regarding request for further hearing on zoning application.	0.20	37.00
07/28/2003	EAB	E-mail communication with Ms. Nina Boniske, counsel for the Town of Miami Lakes regarding finance director interlocal agreement.	0.30	55.50
07/28/2003	NDH	Conferred with Ms. Boutsis re: drafting lobbyist ordinance by incorporating Dade County, Miami Beach, and City of Coral Gables' ordinances.	0.20	37.00
07/29/2003	EAB	Analysis of executed lease agreement and request to assign payment to lessor; and telephone conference with Mr. Mickey Morrera of WSH, counsel for the Town of Miami Lakes regarding finance department interlocal revisions.	0.60	111.00
07/29/2003	NDH	Researched website for lobbyist ordinances in various municipalities; telephone conference with city clerk for the City of Coral Gables, Joan, to locate their lobbyist ordinance and was informed that the city tracks the language of the Miami-Dade County charter; compared selected ordinances; conferred with Ms. Boutsis re: the results.	1.00	185.00

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07/30/2003	EAB	Telephone conference with Mr. Williams regarding Florida Competitive Negotiation Act RFQ issues; telephone conference with Ms. Cadaval regarding finance interlocal; telephone conference with Mr. Morrera, regarding finalizing finance interlocal; analysis of model flood plain ordinance and drafted e-mail to Mr. Joe Rasco regarding this item; revised proposed lobbyist ordinance for village; telephone conference with Mayor Flinn regarding specialized police services and village's first homicide.	3.50	647.50
07/30/2003	EAB	Revised lobbyist draft ordinance.	0.50	92.50
07/30/2003	NDH	Conferred with Ms. Boutsis re: lobbyist ordinance and results of prior comparisons.	0.50	92.50
07/31/2003	EAB	E-mail communication with Mr. Williams about further RFP/RFQ issues and compliance with state's competitive negotiation action procedures; finalized finance director interlocal; and attention to resolution and memorandum prepared by mayor Flinn.	1.30	240.50
			Total Professional Services 10,693.00	

Rate Summary

Earl G. Gallop	24.20 hours at \$185.00/hr	4,477.00
Eve A. Boutsis	2.50 hours at \$ 0.00/hr	0.00
Eve A. Boutsis	26.90 hours at \$185.00/hr	4,976.50
Nakia D. Henry	6.70 hours at \$185.00/hr	1,239.50

Total hours: 60.30

Expenses

Courier charge	21.80
Legal research	11.30
Sub-total Expenses:	33.10

Payments

07/22/2003	Payment	CK#1206	10,967.98
08/04/2003	Payment	Ck#1229	8,409.10
Sub-total Payments:			19,377.08

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For Professional Services	10,693.00
For Disbursements Incurred	33.10
Current Balance:	<u>10,726.10</u>
Previous Balance:	27,805.97
Payments - Thank you	19,377.08
Total Due	<u>19,154.99</u>

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

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