

RESOLUTION NO. 03-101

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 \$12,735.92; 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 October 31, 2003, in the amount of \$12,735.92; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

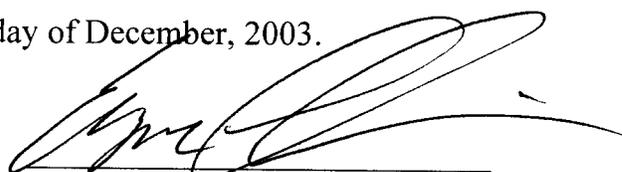
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The statements for attorneys' fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$12,735.92, copies of which are attached, is approved for payment

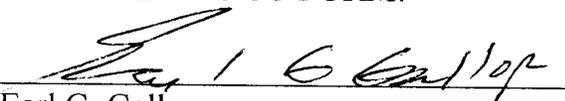
Section 2. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 1st day of December, 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>

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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

November 11, 2003

Matter ID: 0293-001

General Municipal

Statement No. 15080

			Hours	Amount
10/01/2003	EGG	Attention to MDC zoning amendments; reviewed selected amendments; prepared ordinance adopting amendments and village attorney memorandum; telephone conferences with Ms. Nancy Rubin, zoning department legal advisor and with Mr. Scurr.	4.50	832.50
10/02/2003	EGG	Telephone conference with Dr. Feller; final preparation of moratorium ordinance and transmitted to Ms. Pier for inclusion on agenda.	0.20	37.00
10/02/2003	EGG	Reviewed charter school memo and revised resolution creating ad hoc fact finding committee.	0.70	129.50
10/02/2003	EGG	Reviewed and revised Rachlin & Cohen audit engagement contract; reviewed and approved tax agreement and arbitrage certificate for equipment lease with SunTrust Leasing Corp.	2.10	388.50
10/07/2003	EGG	Prepared for council meeting; reviewed agenda documents; telephone conferences with mayor Flinn and Mr. Scurr; attention to amendment to CSA contract to include code enforcement services; attended council meeting.	6.80	1,258.00
10/07/2003	EGG	Attention to question whether storm water planning and comprehensive planning may be awarded to engineering and planning firms selected by village on continuing contracts; reviewed sec. 287.055, Fla. Stat., RFP and responses.	0.70	129.50
10/07/2003	EGG	Attention to exercise of council due diligence in seeking information regarding financial condition of ICMA pension funds; reviewed memo to council; telephone conference with Mr. Williams and advised council to proceed to approve resolution.	0.30	55.50
10/07/2003	EAB	Telephone conference with Tony Recio, of WSH, regarding moratorium application.	0.10	18.50
10/09/2003	EGG	Telephone conference with mayor Flinn.	0.30	55.50
10/09/2003	EGG	Telephone conference with and advised Mr. Howard Tendrich regarding conflict of interest question.	0.20	37.00

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10/09/2003	EGG	Reviewed RFQ for professional services and responses of 3 urban planning firms; prepared e-mail advice that village may contract with firms for comprehensive planning services.	2.00	370.00
10/09/2003	EAB	Analyzed engineering and architectural RFP for storm water and master plan; and analyzed bid responses and bid awards; and provided comments to Mr. Gallop on this matter.	1.50	277.50
10/10/2003	EGG	Attended meeting with "new" city managers and finance directors regarding change by MDC in formula used to distribute FPL franchise fees and resulting loss of revenue to cities.	1.50	277.50
10/10/2003	EGG	Reviewed and executed resolutions and contracts.	0.20	37.00
10/10/2003	EAB	Analyzed and finalized letter of general counsel to vehicle loan.	0.30	55.50
10/13/2003	EAB	E-mail communication with Mr. Alfredo Acin regarding finalizing SunTrust loan contract to purchase vehicles.	0.30	55.50
10/14/2003	EGG	Reviewed meeting procedures ordinance and e-mail communication to Ms. Pier advising same to change format.	0.20	37.00
10/15/2003	EGG	Final preparation of review and approval of audit services engagement contract with Rachlin Cohen & Holtz.	0.20	37.00
10/15/2003	EAB	Received assignments; e-mail communication with Mr. Acin regarding vehicle loan closing; reviewed and executed auditor contract; and attention to solid waste ordinance.	0.70	129.50
10/16/2003	EAB	Attention to lobbyist ordinance and "non-legalese" interpretation of ordinance.	0.20	37.00
10/17/2003	EAB	Telephone conference with representative of Suntrust regarding finalizing agreement; and drafted memorandum to village on SunTrust agreement.	0.40	74.00
10/20/2003	EGG	Analyzed decision in BAKER v. MDC regarding consistency of applications for special exception and unusual use with comprehensive plan and limited discretion afforded to decision-maker.	0.40	74.00
10/20/2003	EAB	Telephone conference with Mr. Scurr regarding unsafe structures.	0.10	18.50
10/21/2003	EGG	Attention to comments by Mr. Jerry Proctor, Bilzen, Sumberg, regarding lobbyist ordinance.	0.30	55.50
10/22/2003	EGG	Attention to refusal of Suntrust representative to agree to certain contract items.	0.20	37.00
10/22/2003	EAB	E-mail communication with representative from Suntrust regarding prevailing party attorney's fees and interest rate provisions of contract; provided comments to Mr. Acin and Mr. Scurr and sought direction from them on how the village wants to resolve the stalemate.	0.40	74.00
10/23/2003	EAB	Participated in park tour; and meeting with Mr. Acin regarding	3.50	647.50

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		financial issues; and follow up on bidding issues related to cd's.		
10/24/2003	EGG	Attention to SFWMD storm water grant and to contracts with engineers.	0.20	37.00
10/24/2003	EAB	Analysis of SFWMD grant for \$500,000 for storm water master plan and provided comments to client; and analysis of continuing service contracts with various vendors; and provided comments to client.	2.50	462.50
10/24/2003	EAB	E-mail communication with representative of SunTrust regarding execution of loan documents.	0.20	37.00
10/27/2003	EGG	Telephone conference with mayor Flinn.	0.30	55.50
10/27/2003	EGG	Evaluated comments received regarding draft lobbyist ordinance; telephone conference with Mr. Jerry Proctor regarding comments; e-mail communication to Ms. Christina Prckic, ethics comm'n; revised draft ordinance.	1.10	203.50
10/27/2003	EAB	Analysis of Suntrust escrow agreement and provided comments to Suntrust legal counsel and village representative; e-mail communication with Mr. Williams regarding continuing services contract and requested revisions to contract by vendor; and e-mail communications with Mr. Acin regarding purchasing CD's and development of appropriate resolution.	1.50	277.50
10/28/2003	EGG	Reviewed agenda item (memo and resolution) rescinding contract with Tip Top Constructors for work at Coral Reef Park; telephone conferences with Mr. Scurr and mayor Flinn; revised resolution.	0.60	111.00
10/28/2003	EGG	Attention to public records request.	0.20	37.00
10/28/2003	EGG	Telephone conferences with Ms. Prckic, ethics comm'n,, and Mr. Proctor; final preparation of lobbyist ordinance and memo regarding definition of lobbyist; assembled documents and transmitted same to Ms. Pier.	1.10	203.50
10/28/2003	EAB	Analysis of Kimley Horn continuing services agreement; telephone conference with Mr. Williams regarding all 5 proposed continuing services contracts; and proposed revisions to boiler plate SFWMD grant and rationale for requested revisions and clarifications; telephone conference with Ms. Cadaval regarding insurance requirements for Tip Top contract and provided comments to Ms. Cadaval.	1.70	314.50
10/29/2003	EAB	Gathered all e-mails responsive to public record request regarding the Palmetto High School non-exclusive use agreement for field 3.	0.50	92.50
10/29/2003	EAB	Telephone conference with Mr. Frank Mendez of SFWMD regarding grant issues; prepared confirming e-mail to Mr. Mendez regarding our discussions; and drafted e-mail to Mr. Williams providing him update on grant revisions.	0.70	129.50
10/30/2003	EGG	Telephone conferences with mayor Flinn and Mr. Scurr regarding	0.40	74.00

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		soliciting additional bids for general construction services.		
10/30/2003	EGG	Attention to zoning patches workshop; e-mail to Ms. Diane O'Quinn Williams and telephone conference with Ms. Joni Coffee, ass't. county attorney.	0.40	74.00
10/30/2003	EGG	Telephone conference with Ms. Prkic, ethics comm'n., regarding proposed lobbyist ordinance.	0.30	55.50
10/30/2003	EAB	Attention to grant agreement and provided Mr. Mendez with language to insert in grant agreement.	1.00	185.00
10/30/2003	EAB	Received assignment regarding unsafe structure; and coordinated meeting with M-D County staff regarding "tutorial" on Omni-Point patches.	0.50	92.50
10/31/2003	EAB	Legal research of county code for rules regarding unsafe structures; analysis of village charter; drafted memorandum to file; e-mail communication to Mr. Scurr, Mr. Sanchez, Mr. Williams regarding valuation of depreciation pursuant to section 8.5 of county code; and e-mail communication with Ms. Diane O'Quinn Williams regarding emergency measures before the Unsafe Structure Board.	1.60	296.00
			Total Professional Services 7,973.50	

Rate Summary

Earl G. Gallop	25.40 hours at \$185.00/hr	4,699.00
Eve A. Boutsis	17.70 hours at \$185.00/hr	3,274.50

Total hours: 43.10

Expenses

	Postage Charge	3.83
	Photocopies	21.75
	Telefacsimile charge	221.00
10/03/2003	Outside copy job	86.34
Sub-total Expenses:		332.92

Payments

11/04/2003	Payment	Ck#1387	10,726.14
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	Sub-total Payments:	<u>10,726.14</u>
For Professional Services		7,973.50
For Disbursements Incurred		332.92
Current Balance:		<u>8,306.42</u>
Previous Balance:		26,643.25
Payments - Thank you		10,726.14
	Total Due	<u>24,223.53</u>

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

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NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

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9100 S. Dadeland Boulevard
Suite 1000
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November 11, 2003
Matter ID: 0293-005
Real Property

Statement No. 15081

			Hours	Amount
10/01/2003	EAB	Finalized nonexclusive use agreement with Palmetto High School for Field 3; telephone conference with Ms. Pat Bass, counsel for school board regarding authority of board or principal to execute agreement; and finalized draft code enforcement CSA contract.	1.40	259.00
10/01/2003	EAB	Began drafting memorandum on due diligence to find defendant, theory for forfeiture, and probable cause.	1.40	259.00
10/02/2003	EAB	Attended DERM document review and met with Mr. Mark Pettit, the DERM code enforcement officer that initiated investigation of the property; and finalized memorandum to village council.	2.50	462.50
10/03/2003	EGG	Final preparation of memorandum regarding acquisition of 17641 Old Cutler Road forfeiture property.	0.50	92.50
10/03/2003	EGG	Attention to vacation of alley in Robert's Subdivision; telephone conference with Mr. Williams.	0.50	92.50
10/03/2003	EAB	Analyzed DERM documents and prepared package and correspondence to Mr. George Lott to initiate drafting of closing documents and analyzed DERM documents with Mr. Gallop.	0.70	129.50
10/03/2003	EAB	Meeting with Mr. Gallop regarding vacating alley way; and received assignments.	0.30	55.50
10/03/2003	EAB	Telephone conference with Mr. Scurr regarding non-exclusive use agreement; and forwarded draft to Ms. Pat. Bass, counsel for school board for her review and approval.	0.40	74.00
10/07/2003	EGG	Final review of agreement for non-exclusive use of field # 3 at Coral Reef Park by Palmetto Senior High Boys Baseball Team.	0.30	55.50
10/07/2003	EAB	Telephone conference with Mr. Scurr regarding park agreement with Palmetto High School; and telephone conference with Ms. Patricia Bass regarding park agreement.	0.50	92.50
10/08/2003	EAB	Telephone conference with Ms. Pat Bass regarding park-baseball field agreement with Palmetto High School; and received	0.40	74.00

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		assignments from Mr. Gallop.		
10/09/2003	EGG	Telephone conferences with Ms. Patricia Bass, deputy school board attorney, and with mayor Flinn and Mr. Scurr regarding baseball field agreement; reviewed revisions to agreement proposed by school board attorney, Mr. John Brown.	0.90	166.50
10/09/2003	EAB	Telephone conference with councilman John Breder regarding Palmetto High - Coral Reef baseball agreement; telephone conference with Mr. Johnny Brown, counsel to school board, telephone conference with Ms. Bass; revised school board agreement.	1.00	185.00
10/10/2003	LRF	Conferred with Mr. Gallop regarding forfeiture of property located at 17641 Old Cutler Rd; teleconference with Robert Fiallo, counsel for Miami-Dade Police Dept. regarding procedures for transfer of the subject property to the Village; and reviewed pertinent Florida statutes.	0.90	166.50
10/14/2003	EAB	Telephone conference with Mr. Johnny Brown, counsel for school board; made further revisions to agreement; and provided draft to Mr. Brown, Mr. Scurr, and Mr. Gallop, and requested input from staff on revised document.	0.30	55.50
10/15/2003	EAB	Telephone conference with Mr. Brown, and Mr. M. Levine of the school board regarding park agreement revisions; telephone conference with Mr. Scurr and mayor Flinn regarding agreement; and finalized agreement.	0.70	129.50
10/15/2003	EAB	Prepared e-mail to Mr. Williams regarding ROW vacating,	0.30	55.50
10/16/2003	EAB	Attention to and began drafting notices for ROW vacating process; prepared follow-up communications with village staff regarding owners, addresses, and mailing addresses for immediately adjacent affected properties; analyzed petition and signatures obtained and relation to alleyway; provided guidance to village staff on notice provisions, and compliance with county process for vacating alleyway.	1.70	314.50
10/17/2003	LRF	Telephone conference with Ms. Boutsis and Mr. Fiallo regarding transfer of forfeiture property.	0.40	74.00
10/17/2003	EAB	Telephone conference with Mr. Figueredo and Mr. Fiallo regarding transfer of forfeiture property.	0.40	74.00
10/20/2003	EGG	Revised resolution vacating ROW.	0.50	92.50
10/20/2003	EGG	Reviewed final draft of non-exclusive use agreement between village and school board regarding use of base ball field #3.	0.40	74.00
10/20/2003	EGG	Revised letter to adjacent property owners of ROW.	0.30	55.50
10/20/2003	LRF	Teleconference with Robert Fiallo regarding our proposed procedures for transferring property to Village.	0.50	92.50

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10/20/2003	EAB	Telephone conference with Mr. Ron Williams regarding resolution and addresses of adjacent property owners to alley; drafted letter to neighbors regarding vacating ROW.	0.40	74.00
10/20/2003	EAB	Telephone conference with school board representative, Oz Maestre, regarding final risk management revision to Field 3 agreement.	0.20	37.00
10/21/2003	EAB	Telephone conference with VPB resident, Mr. Scurr, and Mr. Brown regarding school board agreement and additional revisions to agreement; and forwarded final version to school board.	0.50	92.50
10/21/2003	EAB	Telephone conference with Mr. Fiallo regarding finalizing transfer of property to village.	0.50	92.50
10/21/2003	EAB	Telephone conference with Mr. Williams, and analysis of revisions to resolution to reflect property owners adjacent to ROW.	0.30	55.50
10/22/2003	EAB	Telephone conference with Ms. Cadaval and Mr. Scurr regarding school board-city park agreement.	0.30	55.50
10/22/2003	EAB	Finalized public notices for ROW vacating process.	0.30	55.50
10/23/2003	EAB	Telephone conference with Mr. Fiallo regarding intervenor and other issues related to forfeiture property.	0.40	74.00
10/23/2003	EAB	Telephone conference with Mr. Fiallo regarding intervenor action and status of forfeiture.	0.30	55.50
10/27/2003	EGG	Attention to acquisition of forfeiture property at 176412 Old Cutler Road.	0.30	55.50
10/27/2003	EAB	Telephone conference with Mr. Fiallo regarding proposed intervenor motion; and e-mail communication with Mr. Scurr regarding SFWMD proposal.	0.40	74.00
10/28/2003	EAB	E-mail communication with Mr. Mark J. Pettit, of DERM regarding "No Action Letter"; telephone conference with Mr. Fiallo regarding motion to intervene; and drafted letter to Mr. George Lott requesting title search.	1.00	185.00
10/28/2003	EAB	Telephone conference with Mr. Williams and e-mail communications with Ms. Pier regarding Roberts ROW vacating and status of progress in this matter.	0.50	92.50
10/28/2003	EAB	Drafted letter to Mr. Scurr enclosing final school board agreement, with instructions to forward to school board.	0.30	55.50
10/29/2003	LRF	Teleconference with South Florida Water Management District; conferred with Mr. Gallop regarding proposed steps.	1.00	185.00
				<hr/>
			Total Professional Services	4,421.50

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Rate Summary

Earl G. Gallop	3.70 hours at \$185.00/hr	684.50
Luis R. Figueredo	2.80 hours at \$185.00/hr	518.00
Eve A. Boutsis	17.40 hours at \$185.00/hr	3,219.00

Total hours: 23.90

Expenses

Parking Charge 8.00

Sub-total Expenses: 8.00

For Professional Services	4,421.50
For Disbursements Incurred	8.00

Current Balance: 4,429.50

Previous Balance: 3,959.00

Payments - Thank you 0.00

Total Due 8,388.50

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

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