

RESOLUTION NO. 04-25

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 \$8,407.66; 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 31, 2004, in the amount of \$8,407.66; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

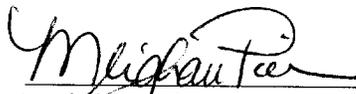
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

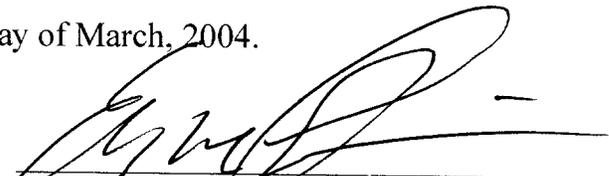
Section 1. The statements for attorneys' fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$8,407.66, copies of which are attached, are approved for payment

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

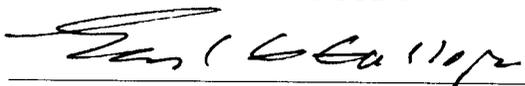
PASSED and ADOPTED this 1<sup>st</sup> day of March, 2004.

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\21677.doc - Reso - NGF February 04 Statements

# NAGIN GALLOP FIGUEREDO<sup>PA.</sup>

*Attorneys & Counselors*

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

February 24, 2004

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:

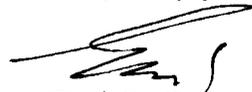
Enclosed are our statements for professional services rendered and for costs advanced for the period ending January 31, 2004. The amounts due are as follows:

0293-001	Non-Retainer Legal Services <i>Statement No. 15629 dated 02/09/04</i>	Prof'l Services	\$	3,836.50
		Disbursements		59.91
		Total		3,896.41
0293-002	Zoning Applications <i>Statement No. 15630 dated 02/09/04</i>	Prof'l Services	\$	4,122.00
		Disbursements		46.75
		Total		4,168.75
0293-005	Real Property <i>Statement No. 15631 dated 02/09/04</i>	Prof'l Services	\$	314.50
		Disbursements		28.00
		Total		342.50
	<b>TOTAL CURRENTLY DUE</b>		\$	<b>8,407.66</b>

Charles D. Scurr, Village Manager  
Village of Palmetto Bay  
February 24, 2004  
Page 2 of 2

Please do not hesitate to call me if you have any questions regarding this statement.

Very truly yours,



Earl G. Gallop

EGG:daj  
Enclosures

cc: Mayor and Village Council

# NAGIN GALLOP FIGUEREDO<sup>PA</sup>

*Attorneys & Counselors*

3225 Aviation Avenue, Suite 301

Miami, Florida 33133

Telephone: (305) 854-5353

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

February 9, 2004  
Matter ID: 0293-001  
General Municipal  
Statement No. 15629

			Hours	Amount
01/05/2004	EGG	Reviewed agenda items, contracts and other documents; revised certain resolutions; telephone conference with Mr. Scurr regarding procurement item; attended council meeting.	6.60	1,221.00
01/06/2004	DAJ	Telephone conferenced with Jane in the city clerk's office, Sunny Isles Beach, requesting copy of ordinance no. 97-9 relating to SURs; commenced drafting version of ordinance for the village.	0.20	13.00
01/12/2004	EAB	Finalized Hass and Ringer P&Z orders and attention to employee termination matter.	0.50	92.50
01/13/2004	EGG	Reviewed and executed 13 resolutions.	0.30	55.50
01/13/2004	EGG	Preliminary review of documents transmitted by Fla. League of Cities regarding proposed legislation concerning electric power station siting.	0.50	92.50
01/13/2004	EGG	Telephone conference with Ms. Garcia regarding unsatisfactory performance by probationary employee; reviewed employee policy and advised regarding disciplinary action.	1.00	185.00
01/14/2004	EGG	Reviewed letters from Mr. Scurr to Mr. Burgess, county manager, requesting transfer of additional 7.6 acres for Perrine Park, and to Mr. Nowland regarding collaboration with Children's Hospital.	0.20	37.00
01/14/2004	EAB	Analyzed draft YMCA park management agreement and substantially revised the draft to include necessary standard terms and to clarify scope of management agreement.	1.50	277.50
01/15/2004	EGG	Attention to concern regarding use of "palmetto bay" in e-mail address of Ms. Aida Crusan, and requested assistance by Mr. Nagin in evaluating same.	0.20	37.00
01/16/2004	EGG	Telephone conference with councilman Breder.	0.20	37.00
01/21/2004	EAB	Attention to YMCA agreement, and revised agreement, in form provided by YMCA.	0.70	129.50
01/22/2004	EGG	Telephone conferences with Mr. Scurr regarding pending matters	0.50	92.50

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.

		and preparation for mediation of OCPC dispute.		
01/22/2004	EGG	Telephone conference with mayor Flinn and Mr. Scurr regarding revisions to MDC ordinance 03-093, regarding criteria for administrative waivers of certain zoning minor requirements and restrictive covenants.	0.30	55.50
01/22/2004	JB	Went to planning and zoning to pick up plans for the VPB.	0.50	12.50
01/26/2004	EGG	Reviewed release form for exposition of memorabilia and advised Ms. Cadaval regarding same.	0.20	37.00
01/27/2004	EGG	Prepared village attorney memo for substantial compliance ordinance.	0.30	55.50
01/27/2004	EAB	Attention to personnel policy and termination of employee issue; and attention to general release by employee request and form.	0.40	74.00
01/28/2004	EGG	Reviewed memo and analyzed Miami-Dade County code sections regarding SURs and applicability to Reardon plat; attended meeting with counsel for Reardon; prepared ordinance repealing SURs and village attorney memo.	3.50	647.50
01/28/2004	EDGS	Reviewed ICANN Uniform Domain Name Dispute Policy and procedure for filing a complaint against with the World Intellectual Property Organization.	3.70	684.50
			<hr/>	
			Total Professional Services	3,836.50

**Rate Summary**

Earl G. Gallop	13.80 hours at \$185.00/hr	2,553.00
Eve A. Boutsis	3.10 hours at \$185.00/hr	573.50
Edrei G. Swanson	3.70 hours at \$185.00/hr	684.50
Debra A. Jester	0.20 hours at \$ 65.00/hr	13.00
Jordan Braswell	0.50 hours at \$ 25.00/hr	12.50

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Total hours: 21.30

**Expenses**

Postage Charge	2.91
Telefacsimile charge	57.00

Sub-total Expenses: 

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59.91

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**Payments**

02/05/2004	Payment	13,159.95
	Sub-total Payments:	<u>13,159.95</u>
	For Professional Services	3,836.50
	For Disbursements Incurred	59.91
	Current Balance:	<u>3,896.41</u>
	Previous Balance:	15,701.65
	Payments - Thank you	13,159.95
	<b>Total Due</b>	<u>6,438.11</u>

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

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# NAGIN GALLOP FIGUEREDO<sup>RA</sup>

*Attorneys & Counselors*

3225 Aviation Avenue, Suite 301

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 9, 2004  
Matter ID: 0293-002  
Zoning Applications  
Statement No. 15630

			Hours	Amount
01/05/2004	EGG	Telephone conference with mayor Flinn and Mr. Scurr regarding hearing on substantial compliance of OCPC building plans.	0.30	55.50
01/05/2004	EGG	Reviewed appellants' notice of intent to present expert witness testimony regarding substantial compliance determination for OCPC; transmitted same to appellee's counsel.	0.20	37.00
01/06/2004	EGG	Telephone conferences with Mr. Gibbs and Mr. Shubin regarding issues on appeal and scheduled pre-hearing conference; telephone conference with Mr. Scurr regarding review of county report and recommendation by village personnel; analyzed recent appellate opinions regarding standard for review, burden of proof and shifting burden of persuasion; prepared for hearing.	1.00	185.00
01/08/2004	EGG	Prepared for hearing; analyzed record documents; prepared draft prehearing stipulation.	4.50	832.50
01/08/2004	DAJ	Telephone conferenced with W. Tucker Gibbs inquiring into obtaining a copy of the Pastorellas latest appeal notice; telephone conferenced with Ron Connally at Miami-Dade County planning and zoning concerning latest appeal documentation and notice of publication for January 13th zoning hearing; telephone conferenced with the village inquiring into obtaining copy of publication for zoning hearing; met with Earl Gallop to review documentation from village files and designating initial documents for stipulation by counsel as joint exhibits for zoning hearing.	1.50	0.00
01/09/2004	EGG	Attended prehearing conference with attorneys and representatives of OCPC; telephone conference with Mr. Scurr regarding mediation conference; telephone conference with mayor Flinn regarding procedure; rescheduled hearing due to defect in notice.	2.50	462.50
01/09/2004	EAB	Telephone conference with Mr. Krischer regarding deferral of Reardon Estates matter.	0.30	55.50
01/09/2004	EAB	Telephone conference with Council member Neidhart regarding P&Z items.	0.30	55.50

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01/09/2004	DAJ	Attended pre-hearing status conference among counsel in preparation for zoning hearing for January 13 concerning the Old Cutler Presbyterian Church appeal; met with Earl Gallop to review project assignments; prepared e-mail communications to attorneys; telephone conferenced with village clerk; telephone conferenced with Maria Teresa, planning and zoning for Miami-Dade County, concerning notice of hearing for publication.	1.50	0.00
01/13/2004	EGG	Attention to question whether OCPC signed hold harmless agreement in connection with issuance of building permit.	0.20	37.00
01/14/2004	EAB	Pacer research on S.D. Fla. litigation regarding Religious Land Use and Institutionalized Persons Act (RLUIPA); and began legal research on application of RLUIPA.	3.50	647.50
01/14/2004	EAB	Analyzed proposed Haas covenant not to lease guest quarters and provided comments to Mr. Ferro, counsel for Mr. Haas regarding sufficiency of the covenant.	0.30	55.50
01/15/2004	EGG	Telephone conference with Mr. Peter Gruber regarding scheduling hearing on request to release restrictive covenant pertaining to Paradise Point Marian prohibiting sale of boat slips to public.	0.30	55.50
01/15/2004	JMP	Obtained copies from Federal Court.	0.75	15.00
01/16/2004	EAB	Continued legal research on and began drafting memorandum on RLUIPA.	4.00	740.00
01/22/2004	EAB	E-mail communication with Mr. Simon Ferro, and telephone conference with Ms. Pier regarding finalizing Haas application.	0.30	55.50
01/23/2004	EGG	Conducted mediation in appeal of substantial compliance decision regarding OCPC.	4.00	740.00
01/28/2004	EAB	Meeting with Mr. Krischer and Mr. Goldstein (both of Ackerman Senterfitt) re: Reardon Estates matter; and meeting preparation with Mr. Gallop.	0.50	92.50
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			Total Professional Services	4,122.00

**Rate Summary**

Earl G. Gallop	13.00 hours at \$185.00/hr	2,405.00
Eve A. Boutsis	9.20 hours at \$185.00/hr	1,702.00
Debra A. Jester	3.00 hours at \$ 0.00/hr	0.00
Jennifer M. Penichet	0.75 hours at \$ 20.00/hr	15.00

Total hours: 25.95

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**Expenses**

	Parking Charge	5.00
	Mileage	1.75
01/15/2004	Outside copy job	40.00
	Sub-total Expenses:	<u>46.75</u>

**Payments**

02/05/2004	Payment	1,539.25
	Sub-total Payments:	<u>1,539.25</u>

	For Professional Services	4,122.00
	For Disbursements Incurred	46.75
	Current Balance:	<u>4,168.75</u>
	Previous Balance:	5,590.75
	Payments - Thank you	1,539.25
	<b>Total Due</b>	<u>8,220.25</u>

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

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**NAGIN GALLOP FIGUEREDO<sup>RA</sup>***Attorneys & Counselors*

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

February 9, 2004  
 Matter ID: 0293-005  
 Real Property  
 Statement No. 15631

			Hours	Amount
01/06/2004	EGG	Telephone conference with Mr. Lott and received advice that title companies will not insure De Lamour property due to failure to appoint guardian and evaluated use of quiet title action to correct problem.	0.50	92.50
01/06/2004	EAB	Telephone conference with Mr. Fiallo and Mr. Acin regarding payment to MDCPD.	0.30	55.50
01/14/2004	EAB	Telephone conference with Mr. Fiallo and Mr. Acin regarding final payment to MDC.	0.30	55.50
01/16/2004	EAB	Telephone conference with Mr. Scurr and Mr. Lott regarding survey and quiet title.	0.30	55.50
01/26/2004	EAB	E-mail communication with Mr. Scurr regarding DeLamour property.	0.20	37.00
01/27/2004	EAB	E-mail communication with Mr. Scurr, and telephone conference with Mr. Lott regarding De Lamour property.	0.10	18.50
			Total Professional Services	314.50

**Rate Summary**

Earl G. Gallop	0.50 hours at \$185.00/hr	92.50
Eve A. Boutsis	1.20 hours at \$185.00/hr	222.00

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Total hours: 1.70

**Expenses**

Telefacsimile charge	5.00
Courier charge	23.00

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		Sub-total Expenses:	<u>28.00</u>
<b>Payments</b>			
02/05/2004	Payment		7,812.50
		Sub-total Payments:	<u>7,812.50</u>
	For Professional Services		314.50
	For Disbursements Incurred		28.00
	Current Balance:		<u>342.50</u>
	Previous Balance:		8,726.73
	Payments - Thank you		7,812.50
		<b>Total Due</b>	<u>1,256.73</u>

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