

RESOLUTION NO. 04-37

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 \$10,527.15; 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 April 22, 2004, in the amount of \$10,527.15; and,

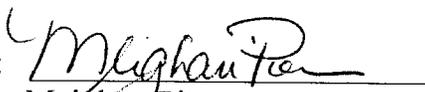
WHEREAS, the amounts are reasonable and were necessarily incurred.

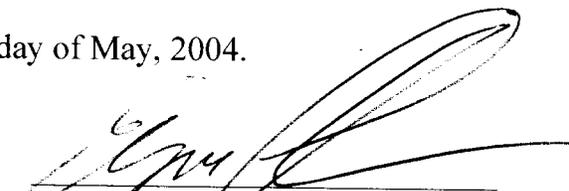
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The statements for attorneys' fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$10,527.15, 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, 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>

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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

April 22, 2004
Matter ID: 0293-001
General Municipal

Statement No. 16022

			Hours	Amount
3/23/2004	EDGS	Teleconference with R. Thornburg, counsel for "My Palmetto Bay", re: cease and letter of Feb. 26th, state of law re: the Village of Palmetto Bay's ownership rights in IP, and resolution of matter to avoid filing a lawsuit.	0.45	83.25
3/26/2004	EGG	Attended meeting with mayor Flinn, Mr. Scurr, Mr. Acin, Mr. Alex Munoz, ass't. county manager, George Fernandez, OMB, and Mr. Peter Velar, regarding reconciliation of accounts, mitigation payment and other financial matters.	2.50	462.50
4/2/2004	EAB	Analysis of VAB cases and property appraisals; provided e-mail memorandum to village manager asking for direction on VAB hearings; attention to public records request responses; and telephone conference with Mr. Scurr regarding employment issue.	1.00	185.00
4/2/2004	EDGS	Teleconference with Mayor Flinn to discuss response of owners of "My Palmetto Bay" domain name to cease and desist letter.	0.18	33.30
4/5/2004	EDGS	Researched case law and World Intellectual Property decisions to determine likelihood of prevailing on issue of whether the "Village of Payment Bay" is a descriptive term protected under IP law.	2.70	499.50
4/6/2004	EGG	Attention to village's potential claim to MyPalmettoBay domain name.	0.30	55.50
4/6/2004	EGG	Telephone conference with labor counsel regarding employment of Ms Susan Manns.	0.40	74.00
4/6/2004	EAB	Telephone conference with Mr. Scurr and Ms. Arlene Weintraub regarding employment issues; de-annexation and VAB hearings; and attention to alien rights and e-mail communications with Mr. Ron Williams on de-annexation issues.	0.60	111.00
4/7/2004	EGG	Telephone conferences with Mr. Scurr and Ms. Weintraub, and Mr. Proctor, regarding a variety of matters.	1.00	185.00
4/7/2004	NDH	Conducted research and analysis of case law re: whether tortfeasor's insurance can be liable for specialized police service in	2.60	481.00

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.

		city's jurisdiction.		
4/8/2004	EGG	Final preparation of election ordinance.	1.50	277.50
4/8/2004	EAB	Finalized memorandum on charter conflict with statutory budgetary enactment deadlines.	1.00	185.00
4/9/2004	EGG	Attended meeting with mayor Flinn and Mr. Scurr.	1.50	277.50
4/12/2004	EGG	Prepared for and attended village council meeting.	4.50	832.50
4/14/2004	EGG	Telephone conference with Mr. Danial Jonas, immigration attorney, regarding status of employee applicant, Ms. Susan Mann.	0.40	74.00
4/14/2004	EGG	Fax from Alfredo Garcia regarding T-Plat #21596-3COR and telephone conference with Mr. Ron Williams regarding request to use SURs for final plat approval.	0.30	55.50
4/15/2004	EGG	Attention to village charter regarding recall petitions, requiring petition signed by 10% of electors, and potential conflict with recal requirements in Miami-Dade County charter; analyzed Dade County home rule enabling legislation, home rule charter, and state statute regarding recall requirements; assigned legal research.	1.00	185.00
4/15/2004	EAB	Began drafting code enforcement ordinance; telephone conference with council member Breder; and drafted ethics opinion request to Ms. Prkic.	2.00	370.00
4/15/2004	NDH	Researched and analyzed case law re: whether charter recall provision controls municipality recall provision; revised motion to dismiss re: res judicata	2.80	518.00
4/16/2004	EAB	Revised letter to Comm'n on Ethics.	0.30	55.50
4/16/2004	NDH	Continued research and analysis of case law re: appropriate percentage for municipal recall petition; researched whether commissioners in statute was restricted to county or municipalities; drafted memorandum re: the same.	7.00	1,295.00
4/19/2004	EGG	Reviewed and responded to emails.	0.30	55.50
4/19/2004	EGG	Final preparation of memorandum regarding precedence of village charter sec. 2.7 over recall provision of county charter sec. 7.02; analyzed supporting decisions and authorities.	2.00	370.00
4/19/2004	EAB	Finalized letter to Ms. Prkic; attention to adult entertainment establishments and 2,500 radius from elementary and secondary schools; and analyzed and provided comments on interlocal to transfer road responsibilities to village.	1.00	185.00
4/19/2004	NDH	Revised and completed memorandum re: the appropriate percentage for a recall petition; researched Fla. Const. 1885 re: definition of commissioners.	2.50	462.50
4/20/2004	EGG	Telephone conference with mayor Flinn regarding protected biotic communities at Burger King property.	0.20	37.00

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4/20/2004	EGG	Attention to process for de-annexing FPL property.	0.80	148.00
4/21/2004	EGG	Attended committee of whole meeting.	2.00	370.00
				7,923.55
			Total Professional Services	

Rate Summary

Earl G. Gallop	18.70 hours at \$185.00/hr	3,459.50
Eve A. Boutsis	5.90 hours at \$185.00/hr	1,091.50
Nakia D. Henry	14.90 hours at \$185.00/hr	2,756.50
Edrei G. Swanson	3.33 hours at \$185.00/hr	616.05

Total hours: 42.83

Expenses

	Long distance telephone charge	0.42
	Parking Charge	10.00
	Legal research	20.70
	Telefacsimile charge	0.00
	Postage Charge	0.37
3/30/2004	Long Distance Telephone Chargable	0.09
		31.58
		Sub-total Expenses:

Payments

4/20/2004	Payment	Check # 1876	3,896.41
			3,896.41
			Sub-total Payments:

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For Professional Services	7,923.55
For Disbursements Incurred	31.58
Current Balance:	<u>7,955.13</u>
Previous Balance:	13,426.41
Payments - Thank you	3,896.41
Total Due	<u>17,485.13</u>

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

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Village of Palmetto Bay
9100 S. Dadeland Boulevard
Suite 1000
Miami, Florida 33156

April 22, 2004
Matter ID: 0293-002
Zoning Applications

Statement No. 16023

			Hours	Amount
3/25/2004	EAB	Attention to finalizing Reardon plat paperwork.	0.10	18.50
4/8/2004	EGG	Final preparation of proposed letter to Mr. Proctor regarding establishment of accessory uses at Palmetto Bay Village Center; transmitted same to Ms. Pier for agenda.	0.50	92.50
4/13/2004	EGG	Telephone conferences with Ms. Diane O'Quinn Williams, mayor Flinn and Mr. Scurr regarding lot coverage calculation for OCPC and further handling needs	0.70	129.50
4/14/2004	EGG	Telephone conference with mayor Flinn and Mr. Scurr, and scheduled meeting with Ms. Williams and staff regarding floor area coverage.	0.40	74.00
4/15/2004	EGG	Attended meeting with mayor Flinn, Mr. Scurr, other city representatives, Ms. Diane O'Quinn Williams regarding lot coverage of OCPC development; prepared waiver document.	2.60	481.00
4/16/2004	EGG	Prepared and attended meeting with mayor Flinn (portion of meeting), Mr. Scurr, Mr. Gibbs and Mr. Shubin regarding letter on lot coverage and addressed further handling.	1.70	314.50
4/19/2004	EAB	Analysis of ch. 171, Fla. Stat. regarding contracting village limits; analysis of county code relating to process for contracting or de-annexing FPL property; and e-mail communication with Mr. Scurr and Ms. Arlene Weintraub regarding FPL boundaries and information relating to FPL property.	2.00	370.00
4/20/2004	EGG	Telephone conference with Mr. Jerry Proctor, attorney for Village Center, regarding covenants, restrictions and government agreements affecting land use.	0.20	37.00
4/20/2004	EAB	Attention to de-annexation issue and analyzed county code and state statutes and prepared memorandum to file; telephone conference with Mr. Scurr regarding County land next to Perrine Park and began analysis of county re-zoning process; telephone conference with Mr. Connally and Mr. Scurr regarding interlocal transferring roads to village; and finalized letter to Ethics comm'n	2.60	481.00

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		on exact no. of parcels in Frango Triangle.		
4/21/2004	EGG	Analyzed federal decision upholding city of Miami billboard regulations and amortization period for removal of nonconforming signs.	0.60	111.00
4/21/2004	EAB	Completed research on county code and process for CDMP and re-zoning; analyzed case law on re-zoning and prepared memorandum regarding Perrine Park issues; and telephone conference with Ms. Hernandez, Mr. Lenard and Mr. Dellagloria on this issue.	1.70	314.50
4/22/2004	EAB	Attention to SUR matter and telephone conference with Mr. A. Garcia regarding his purchase of SURs.	0.20	37.00
			<hr/>	
			Total Professional Services	2,460.50

Rate Summary

Earl G. Gallop	6.70 hours at \$185.00/hr	1,239.50
Eve A. Boutsis	6.60 hours at \$185.00/hr	1,221.00
<hr/>		
Total hours:	13.30	

Expenses

Legal research	19.02
Sub-total Expenses:	<hr/> 19.02

Payments

4/20/2004	Payment	Check # 1876	4,168.75
			<hr/>
			Sub-total Payments: 4,168.75

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	2,460.50
For Disbursements Incurred	19.02
Current Balance:	<hr/> 2,479.52
Previous Balance:	10,754.75
Payments - Thank you	4,168.75
Total Due	<hr/> 9,065.52

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

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April 22, 2004
 Matter ID: 0293-005
 Real Property

Statement No. 16024

			Hours	Amount
3/25/2004	EAB	E-mail communication with Ms. Cadaval regarding opinion of title for state grant funds and drafted opinion.	0.50	92.50
			Total Professional Services	92.50

Rate Summary

Eve A. Boutsis	0.50 hours at \$185.00/hr	92.50
Total hours:		0.50

Expenses

Telefacsimile charge	0.00
Sub-total Expenses:	0.00

Payments

4/20/2004	Payment	Check # 1876	342.50
			Sub-total Payments: 342.50

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.

For Professional Services	92.50
For Disbursements Incurred	0.00
Current Balance:	<hr/> 92.50
Previous Balance:	490.50
Payments - Thank you	342.50
Total Due	<hr/> 240.50

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.