

RESOLUTION NO. 04-42

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 \$11,901.67; 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 May 24, 2004, in the amount of \$11,901.67; and,

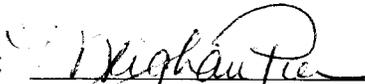
WHEREAS, the amounts are reasonable and were necessarily incurred.

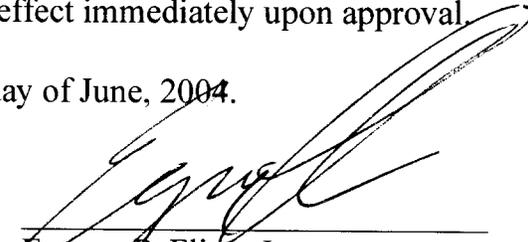
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The statements for attorneys' fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$11,901.67, copies of which are attached, are approved for payment.

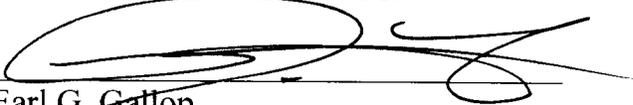
Section 2. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 7th day of June, 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\23292.doc - Reso - NGF May 2004 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

May 26, 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 May 24, 2004. The amounts due are as follows:

0293-001	Non-Retainer Legal Services <i>Statement No. 16193 dated 05/26/04</i>	Prof'l Services	\$	7,641.50
		Disbursements		286.87
		Total		7,928.37
0293-002	Zoning Applications <i>Statement No. 16194 dated 05/26/04</i>	Prof'l Services	\$	2,645.50
		Disbursements		0.37
		Total		2,645.87
0293-003	Comprehensive Plan <i>Statement No. 16195 dated 05/26/04</i>	Prof'l Services	\$	462.50
		Disbursements		0.00
		Total		462.50
0293-005	Real Property <i>Statement No. 16196 dated 05/26/04</i>	Prof'l Services	\$	129.50
		Disbursements		0.00
		Total		129.50

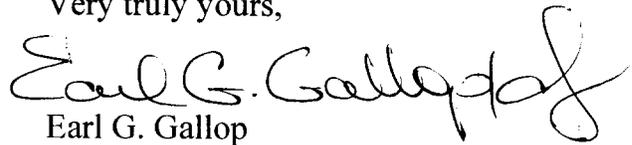
Charles D. Scurr, Village Manager  
Village of Palmetto Bay  
May 26, 2004  
Page 2 of 2

0293-007	Old Cutler Presbyterian Church	Prof'l Services	\$	721.50
	<i>Statement No. 16197 dated 05/26/04</i>	Disbursements		14.43
		Total		735.93

**TOTAL CURRENTLY DUE** \$ 11,901.67

Please do not hesitate to call me if you have any questions regarding these statements.

Very truly yours,

  
Earl G. Gallop

EGG:daj  
Enclosures

cc: Mayor and Village Council

# NAGIN GALLOP FIGUEREDO<sup>P.A.</sup>

*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

May 26, 2004  
Matter ID: 0293-001  
General Municipal

Statement No. 16193

			Hours	Amount
4/24/2004	EGG	Reviewed 2 ethics opinions on lobbying by former employees and transmitted to Mr. Scurr for distribution.	0.30	55.50
4/28/2004	EAB	Finalized letter to Ms. Prkic regarding formal request by Council Member Breder regarding possible conflict of interest.	0.20	37.00
4/29/2004	EGG	Telephone conference with Mayor Flinn regarding VM contract and other matters.	0.20	37.00
4/30/2004	EAB	Attended meeting with Mr. Scurr and Mr. Figueredo regarding pending assignments; drafted memorandum to file; began drafting Adult Entertainment, Noise, Boat, and Junked Vehicle Ordinances.	4.00	740.00
5/3/2004	EGG	Prepared for Village Council meeting; telephone conferences with Mayor Flinn, Council Member Feller and Mr. Scurr; attended Council meeting.	6.70	1,239.50
5/3/2004	EAB	Analyzed model Flood Damage Prevention Ordinance and comments by consultant; began editing model ordinance to tailor the model to village's needs; began research of other municipalities ordinances on the issue; and prepared e-mail to Mr. Ron Williams on this item.	2.00	370.00
5/4/2004	EAB	Conducted legal research of prevailing codes relating to noise, abandoned vehicles, nuisances, garage sales, adult entertainment, etc; began drafting Noise Ordinance and Abandoned Vehicle Ordinance; provided sample ordinances to Village Council and staff for discussion; e-mail communication with Ms. Anna Garcia regarding park policies and park ordinances; and e-mail communications with Mr. Scurr regarding pending ordinances.	3.50	647.50
5/4/2004	EAB	Follow up with Ms. Prkic of Commission on Ethics regarding advisory opinion request.	0.20	37.00
5/4/2004	DAJ	Telephone conferenced with Mr. George Lott concerning the outstanding invoice from the Surveyor on the de Lamour property; searched files for original invoice.	0.20	13.00

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.

Matter ID: 0293-001 Statement No.: 16193

Page: 2

Date	Initials	Description	Rate	Total
5/5/2004	NDH	Conferred with Mr. Gallop regarding researching conflict with State or County Charter to adopt ordinances; researched and analyzed relevant statutes and case law; drafted memorandum to Mr. Gallop regarding applicable statute.	5.50	1,017.50
5/5/2004	DAJ	Telephone conferenced with Ana at Lott & Levine requesting an original invoice from the surveyor for transmittal to the Village for payment.	0.10	6.50
5/6/2004	EGG	Attended meeting with Mayor Flinn regarding renewal of VM contract and other matters.	1.00	185.00
5/6/2004	EAB	Analyzed and approved Lobbyist Registration Form.	0.40	74.00
5/7/2004	EAB	Attention to FMLA, and maternity issues; and drafted memorandum to file.	1.00	185.00
5/10/2004	EGG	Reviewed e-mail communications for 5/6--10.	0.30	55.50
5/10/2004	EGG	Reviewed proposed Notice of Action to Ratify Ordinances; instructions to work attorney to determine whether ratification must be accomplished by adoption of ordinance upon two readings and public hearing.	0.80	148.00
5/10/2004	EGG	Telephone conference with Mr. Scurr regarding re-adoption and ratification of ordinances, maternity leave, further handling of OCPC development plan and other matters.	0.70	129.50
5/11/2004	EGG	Attention to proposed ethics opinion regarding conflict of interest question, and agenda for COW meeting.	0.30	55.50
5/11/2004	EAB	Telephone conference with Ms. Prkic regarding proposed opinion; e-mail communications with Ms. Weintraub, Mr. Scurr and Council Member Breder regarding proposed ethics commission opinion regarding Frango Triangle, amount of commercial property and Council Member's property interest within triangle.	0.50	92.50
5/12/2004	EGG	Telephone conference with Mr. Scurr regarding subjects scheduled for COW meeting; final preparation of letter to Mr. Proctor regarding approved accessory use policy for PBVC.	0.30	55.50
5/12/2004	EGG	Prepared for and attended COW meeting.	3.00	555.00
5/12/2004	EAB	Attention to and revised flood damage, adult entertainment, boat, garage sale, and other proposed ordinances for COW meeting.	2.00	370.00
5/13/2004	EGG	Telephone conference with Mr. Scurr regarding VM contract.	0.20	37.00
5/17/2004	EAB	Attended Commission on Ethics and Public Trust meeting regarding advisory opinion request by Council Member Breder.	1.30	240.50
5/18/2004	EAB	Attention to and substantially revised Flood Damage Ordinance and garage Sale Ordinance; e-mail communications with Mr. Williams.	2.70	499.50
5/19/2004	EAB	Attention to Road Transfer Agreement and Flood Damage Ordinance; e-mail communications with village consultants from	0.30	55.50

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.

Kimley Horn and Mr. Williams.

5/20/2004	EAB	Analyzed, finalized and executed Continuing Services Contract with Wolfberg Alvarez; finalized Garage Sale Ordinance and Flood Damage Ordinance; attention to Street Interlocal Agreement; e-mail communications with County staff on the Street Interlocal Agreement.	1.70	314.50
5/21/2004	EGG	Advised on Sunshine Law public meeting requirements regarding attendance by council members at PCRC meetings.	0.30	55.50
5/21/2004	EGG	Telephone conference with Mr. Scurr regarding pending matters.	0.40	74.00
5/21/2004	EAB	Research of County ethics code for conflict of interest by family member, special financial interest; drafted e-mail to Ms. Prkic on this item requesting guidance and providing her my analysis of the code that there is no conflict of interest for child of City Manager to work for YMCA outside of Village limits; attention to Lobbyist Ordinance and separate bank account; provided advice to Ms. Cadaval on this matter; analyzed Pinecrest, Miami Beach and County noise ordinances.	1.40	259.00

---

Total Professional Services      7,641.50

**Rate Summary**

Earl G. Gallop	14.50 hours at \$185.00/hr	2,682.50
Eve A. Boutsis	21.20 hours at \$185.00/hr	3,922.00
Nakia D. Henry	5.50 hours at \$185.00/hr	1,017.50
Debra A. Jester	0.30 hours at \$ 65.00/hr	19.50

---

Total hours:      41.50

**Expenses**

Postage Charge	4.55
Telefacsimile charge	0.00
Legal research	282.32
Photocopies	0.00

Sub-total Expenses:      286.87

**Payments**

5/19/2004	Payment	17,522.65
-----------	---------	-----------

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.

Sub-total Payments: 17,522.65

For Professional Services	7,641.50
For Disbursements Incurred	286.87
Current Balance:	<u>7,928.37</u>
Previous Balance:	17,485.13
Payments - Thank you	17,522.65
<b>Total Due</b>	<u>7,890.85</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<sup>PA.</sup>

*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

May 26, 2004  
Matter ID: 0293-002  
Zoning Applications

Statement No. 16194

			Hours	Amount
4/23/2004	EAB	Attention to SUR issue.	0.30	55.50
4/26/2004	EGG	Attended meeting with Mr. Scurr, Ms. Weintraub, Mr. Silver and Mr. Proctor regarding accessory uses proposed for Palmetto Bay Village Center, and listing of restrictive covenants.	2.00	370.00
4/26/2004	EAB	Telephone conference with Mr. Speahr from County P & Z regarding SUR issue; telephone conference with Ms. Hernandez regarding zoning of County property and prepared memorandum to file.	0.40	74.00
4/27/2004	EGG	Attention to PBVC development restrictions; telephone conference with Mr. Scurr.	0.60	111.00
4/27/2004	EAB	Analyzed documents provided by A. Garcia regarding SUR's and tentative plat approval; telephone conference with his counsel; prepared memorandum on SUR issue to file.	0.40	74.00
4/28/2004	EGG	Reviewed request by Ms. Pier, and advised regarding need of Hamel to convey right of way by plat or by dedication; telephone conference with Mayor Flinn regarding hold harmless provision in building permits and communicated with Mr Scurr regarding same.	0.70	129.50
4/28/2004	EGG	Prepared and telephone conference with Mayor Flinn, Mr. Scurr and Mr. Figueredo regarding scope of research and review of documents pertaining to development restrictions on Burger King property.	1.20	222.00
4/28/2004	EGG	Revised letter to Mr. Jerry B. Proctor, counsel for Mr. Scott Silver, regarding establishment of accessory uses prior to primary uses; telephone conferences with Mr. Proctor and Ms. Weintraub.	2.00	370.00
4/28/2004	EAB	Telephone conference with Mr. Speahr regarding outstanding SURs; prepared memorandum to file and coordinated meeting with staff and Mr. Jeff Flannigan, counsel for PB Partnership, LLC.	0.30	55.50
4/29/2004	EGG	Reviewed restrictive covenant and other documents related to PBVC; attended meeting with Mr. Proctor to review documents.	2.00	370.00

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.

4/29/2004	EAB	E-mail communication with Mr. Flannigan and coordinating meeting at VPB with Mr. Flannigan, Mr. Garcia, staff, and our firm.	0.20	37.00
5/7/2004	EAB	Attention to PB Partners Meeting and attention to Road Interlocal.	0.20	37.00
5/10/2004	EGG	Referred zoning question from Mr. David Hamil to Village Manager.	0.20	37.00
5/11/2004	EAB	Telephone conference with Mr. Tom Speahr regarding SUR's and prepared memorandum to Village Manager.	0.50	92.50
5/13/2004	EGG	Prepared public records and Federal Freedom of Information Act requests for records concerning the develop of the Burger King World Head Quarters and listed State and Federal Agency recipients.	1.00	185.00
5/13/2004	EAB	Meeting with Mr. Flannigan, Mr. Garcia, Mr. Scurr and Mr. Williams regarding waiver of plat and SURs.	2.00	370.00
5/19/2004	EAB	Attention to PB Partners LLC matter; and e-mail communications with Mr. Williams on this item.	0.30	55.50
				2,645.50
Total Professional Services				

**Rate Summary**

Earl G. Gallop	9.70 hours at \$185.00/hr	1,794.50
Eve A. Boutsis	4.60 hours at \$185.00/hr	851.00
Total hours:		14.30

**Expenses**

Telefacsimile charge	0.00
Photocopies	0.00
Postage Charge	0.37
Sub-total Expenses:	0.37

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	2,645.50
For Disbursements Incurred	0.37
Current Balance:	<u>2,645.87</u>
Previous Balance:	9,065.52
Payments - Thank you	0.00
<b>Total Due</b>	<u>11,711.39</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 FIGUEROA<sup>PA.</sup>**

*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

May 26, 2004  
 Matter ID: 0293-003  
 Comprehensive Plan  
 Statement No. 16195

			Hours	Amount
4/30/2004	EGG	Evaluated question whether Village may adopt portion of comprehensive plan to control future development of Perrine Park Addition to prevent use other than park and open space; analyzed Local Government Comp. Planning Act; communicated with South Florida Regional Planning Council staff regarding same; prepared memorandum and telephone conference with Mr. Scurr.	2.50	462.50
			Total Professional Services 462.50	

**Rate Summary**

Earl G. Gallop	2.50 hours at \$185.00/hr	462.50
Total hours: 2.50		
For Professional Services		462.50
For Disbursements Incurred		0.00
Current Balance:		462.50
Previous Balance:		0.00
Payments - Thank you		0.00
<b>Total Due</b>		<b>462.50</b>

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<sup>PA.</sup>***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

May 26, 2004  
 Matter ID: 0293-005  
 Real Property

Statement No. 16196

			Hours	Amount
4/27/2004	EAB	Telephone conference with Mr. George Lott regarding quiet title action on DeLamour property and surveyor issues.	0.30	55.50
5/21/2004	EGG	Requested status report regarding quiet title action for Celestia DeLamour property; reviewed report and transmitted same to Ms. Cadaval for distribution to Council Members.	0.30	55.50
5/21/2004	EAB	Prepared e-mail memorandum to Mr. Scurr and Village Council relating to quiet title action initiated by Mr. George Lott and enclosing summary of litigation prepared by Mr. Lott.	0.10	18.50
				129.50
			Total Professional Services	129.50

**Rate Summary**

Earl G. Gallop	0.30 hours at \$185.00/hr	55.50
Eve A. Boutsis	0.40 hours at \$185.00/hr	74.00
Total hours:		0.70

**Expenses**

Photocopies	0.00
-------------	------

Sub-total Expenses:	0.00
---------------------	------

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.

For Professional Services	129.50
For Disbursements Incurred	0.00
Current Balance:	<u>129.50</u>
Previous Balance:	240.50
Payments - Thank you	0.00
<b>Total Due</b>	<u>370.00</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<sup>PA.</sup>**

*Attorneys & Counselors*

3225 Aviation Avenue, Suite 301

Miami, Florida 33133

Telephone: (305) 854-5353

Facsimile: (305) 854-5351

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

May 26, 2004  
 Matter ID: 0293-007  
 Old Cutler Presby. Church  
 Statement No. 16197

			Hours	Amount
4/29/2004	EGG	Telephone conference with Mayor Flinn and Mr. Scurr regarding Petition for Writ of Certiorari, reviewed conduct of quasi-judicial proceedings, and addressed lot coverage issue; analyzed petition and prepared memorandum to council on judicial review proceedings; listened to voice mail message from Mr. Gibbs regarding procedural matters.	3.60	666.00
5/5/2004	EGG	Telephone conference with Mr. Shubin regarding response to petition.	0.30	55.50
			Total Professional Services	721.50

**Rate Summary**

	Earl G. Gallop	3.90 hours at \$185.00/hr	721.50
		Total hours: 3.90	721.50
5/26/2004	Disbursements incurred - 3.0%		14.43

Payment is due upon receipt. Please notify us within 10 days 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.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

For Professional Services	721.50
For Disbursements Incurred	14.43
<b>Total Invoice Due</b>	<hr/> 735.93

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

Payment is due upon receipt. Please notify us within 10 days 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.