

RESOLUTION NO. 04-53

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 \$14,244.40; 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 June 25, 2004, in the amount of \$14,224.40; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

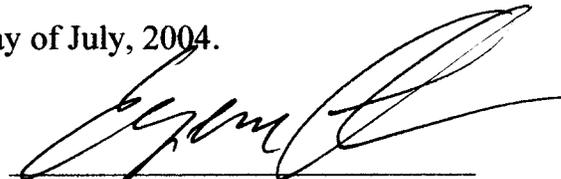
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

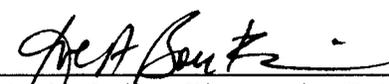
Section 1. The statements for attorneys' fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$14,224.40, copies of which are attached, are approved for payment.

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

PASSED and ADOPTED this 6<sup>th</sup> day of July, 2004.

Attest:   
Meighan Pier  
Village Clerk

  
Eugene P. Flinn, Jr.  
Mayor

APPROVED AS TO FORM:  
  
Nagin Gallop Figueredo, P.A., as Office  
of the Village Attorney

# NAGIN GALLOP FIGUEREDO<sup>PA.</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

June 28, 2004  
Matter ID: 0293-001  
General Municipal  
Statement No. 16263

			Hours	Amount
5/3/2004	LRF	Attended village commission meeting.	2.00	370.00
5/18/2004	LRF	Finalized Freedom of Information Act request to various federal, state and county agencies for the former Burger King property.	1.10	203.50
5/24/2004	EGG	Telephone conference with mayor Flinn regarding development of village code sections.	0.40	74.00
5/24/2004	EGG	Telephone conference with Mr. Scurr regarding CSA contract and other matters.	0.50	92.50
5/24/2004	EGG	Revised contract with CSA to add M.T. Causley to contract to perform code enforcement function; and transmitted same to council member Breder and to Ms. Cadaval.	1.00	185.00
5/24/2004	EGG	Analyzed legal ability of village to re-enact ordinances that were enacted with allegedly deficient notice and to ratify all prior actions; prepared re-enacting ordinance format; and transmitted same to acting city clerk.	2.50	462.50
5/25/2004	EGG	Telephone conference with Dr. Feller regarding Sunshine law question.	0.10	18.50
6/7/2004	EGG	Responded to inquiries regarding timing of re-enacting ordinance relating to elections, and regarding whether ADA requires village to provide assisted listening devices at committee meetings; and telephone conference with Mr. Scurr.	0.60	111.00
6/7/2004	EGG	Reviewed agenda documents and prepared for council meeting; telephone conferences with Mr. Scurr, Mr. Williams and Ms. Garcia regarding contracts; and attended part of council meeting.	4.90	906.50
6/7/2004	EGG	Reviewed invoice by Lott & Levine for legal services relating to Celestia De Lamour property and instructed ass't. to prepare resolution approving same.	0.20	37.00
6/7/2004	EAB	Prepared for and attended village council meeting; and telephone conference with Mr. Scurr, Mr. Williams, Ms. Garcia, and Mr.	5.50	1,017.50

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.

Date	Initials	Description	Hours	Amount
		Gallop regarding contracts and procurement items on agenda.		
6/8/2004	EGG	Telephone conference with mayor Flinn regarding variety of matters.	0.50	92.50
6/8/2004	DAJ	Telephone conferences with Ms. Cadaval concerning scheduling and preparation of notice of attorney-client session; prepared notice of attorney-client session for June 14, 2004 regarding the OCPC matter; prepared master form into database systems for future use; and scheduled court reporter for attorney-client session.	0.50	32.50
6/9/2004	EGG	Attention to establishing policy for minimum conditions for "piggy back" contracts; telephone conference with Mr. Williams and Ms. Garcia regarding same; and telephone conference with Mr. Scurr regarding amendment to voting procedures, and to request by Supervisor of Elections to amend charter re-schedule date of run-off election.	1.60	296.00
6/9/2004	LRF	Reviewed files in preparation for meeting with committee and attended meeting with committee.	4.90	906.50
6/9/2004	EAB	Telephone conference with council member Breder regarding possible conflict issue; analyzed county ethics code and prepared short memorandum on this item; e-mail communications with Mr. Williams and Ms. Johnson-Stacks regarding road transfer agreement; prepared surveyor agreement in compliance with village process; drafted amendment to piggy back contracts; and revised all contract resolutions in anticipation of special council meeting.	3.20	592.00
6/10/2004	EGG	Final preparation of resolutions approving contracts with Melrose Nursery, Inc., APAC Group, Inc., United Rentals Highway Technologies, Inc., Weekley Asphalt Paving, Inc., and P(3)SM, LLC; revised title for proposed ordinance providing for methods for roll call vote; and transmitted same to Ms. Cadaval.	2.00	370.00
6/10/2004	EAB	Revised contract between the village and Weekley Asphalt Paving, Inc; drafted contract between the village and United Rentals Technologies, Inc. and e-mailed the drafts to Mr. Ron Williams, Ms. Corrice Patterson, and Mr. Charles Scurr.	1.50	277.50
6/10/2004	EAB	Finalized APAC resolution and four other piggy-back contracts; telephone conference with Ms. Johnson-Stacks of county regarding roadway transfer agreement; e-mail communications with Mr. Williams on roadway agreement; e-mail communications with village staff on contracts, notice requirements and special meeting; telephone conference with Ms. Prkic regarding possible conflict issue relating to liquor ordinance; prepared e-mail memorandum to council member Breder confirming that he does not have a conflict in voting on a proposed Sunday liquor sales ordinance; and telephone conference with Ms. Boninske, counsel for Miami Lakes regarding upcoming election issues and request by election commission to change election dates.	2.30	425.50
6/11/2004	EGG	Attention to OCPC litigation.	0.20	37.00

6/11/2004	EAB	E-mail communication with Ms. Boninske of Town of Miami Lakes regarding upcoming election issues.	0.20	37.00
6/14/2004	EGG	Attention to threat by Town of Miami Lakes to withhold mitigation fee payments to county; telephone conference with Ms. Jane Forman regarding operation of summer camps by YMCA.	0.30	55.50
6/14/2004	EGG	Prepared for and attended special council meeting.	3.00	555.00
6/14/2004	EAB	Legal research on ADA claims, reasonable accommodation, and disability relating to request for hearing applifier at meetings; and prepared memorandum to city manager on this item.	2.00	370.00
6/15/2004	EGG	Telephone conferences with mayor Flinn and Mr. Scurr regarding after-meeting action items.	0.50	92.50
6/15/2004	EAB	Attention to FEMA ordinance and resolution issues; and e-mail communications with Ms. Cadaval and Mr. Williams on this matter.	0.40	74.00
6/22/2004	EAB	Meeting regarding pending projects; and attention to pending election matters, ordinance drafting request re: noise, boats and other code provisions.	4.00	740.00
6/23/2004	LRF	Began work on draft of 03-93 ordinance.	1.90	351.50
6/25/2004	EAB	Telephone conference with Ms. Diane O'Quinn Williams.	0.20	37.00
				8,820.00
			Total Professional Services	8,820.00

**Rate Summary**

Earl G. Gallop	18.30 hours at \$185.00/hr	3,385.50
Luis R. Figueredo	9.90 hours at \$185.00/hr	1,831.50
Eve A. Boutsis	19.30 hours at \$185.00/hr	3,570.50
Debra A. Jester	0.50 hours at \$ 65.00/hr	32.50

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Total hours: 48.00

**Expenses**

Telefacsimile charge	0.00
Photocopies	0.00
Mileage	16.31
Parking Charge	5.00
Legal research	271.70
Postage Charge	0.37

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5/27/2004	In-House Courier	45.00	
6/1/2004	In-House Courier	45.00	
	Sub-total Expenses:	<u>383.38</u>	
	For Professional Services		8,820.00
	For Disbursements Incurred		383.38
	Current Balance:		<u>9,203.38</u>
	Previous Balance:		7,890.85
	Payments - Thank you		0.00
	<b>Total Due</b>		<u>17,094.23</u>

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

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

*Attorneys & Counselors*

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Eugene P. Flinn, Jr.  
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9100 S. Dadeland Boulevard  
Suite 1000  
Miami, Florida 33156

June 28, 2004  
Matter ID: 0293-002  
Zoning Applications

Statement No. 16264

			Hours	Amount
5/25/2004	EGG	Telephone conference with Dr. Feller regarding information request concerning application of ABC Liquors for Sunday sales permit.	0.10	18.50
5/27/2004	LRF	Teleconferences with various agencies concerning FOIA request relating to former Burger King Property site.	1.30	240.50
6/2/2004	EGG	Telephone conference with Dr. Feller regarding new adult living facility use and attention to further handling needs.	0.10	18.50
6/3/2004	NDH	Contacted Dr. Feller to discuss local zoning use control by city of 6-bed adult living facility research and deadlines.	0.20	37.00
6/5/2004	NDH	Researched case law re: local zoning use control by city of 6-bed adult living facility.	2.00	370.00
6/7/2004	NDH	Researched federal and state statutes concerning adult living facilities with 6 or less beds and the city's ability to zone these dwellings; prepared memorandum re: the same.	2.00	370.00
6/8/2004	EGG	Attention to committee report on Burger King property and consistency of proposed development with restrictive covenant.	0.30	55.50
6/8/2004	LRF	Teleconference with South Florida Water Management District regarding FOIA request for Burger King Property.	0.40	74.00
6/9/2004	EGG	Attention to further handling needs regarding Palmetto Bay Village Center.	0.40	74.00
6/9/2004	EGG	Reviewed proposed MDC nuisance abatement ordinance and considered usefulness for village.	0.50	92.50
6/9/2004	EGG	Attention to application for non-use variance by ABC Liquors to authorize Sunday sales; and telephone conference with Ms. Weintraub.	1.10	203.50
6/10/2004	EGG	Reviewed zoning applications by Ms. Villavicencio and Mr. Pilkington; reviewed and revised resolutions for findings, terms and conditions; telephone conference with mayor Flinn regarding procedural matters; and e-mail communication with Ms. Weintraub	2.40	444.00

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and Ms. Cadaval regarding village professional recommendations on zoning applications.

6/14/2004	EGG	Prepared for zoning hearings; telephone conferences with mayor Flinn, Mr. Scurr and Ms. Weintraub; and attended hearing.	4.00	740.00
6/14/2004	LRF	Teleconference with representatives for United States Environmental Protection Agency and Department of Community Affairs regarding FOIA requests for former Burger King Property.	0.90	166.50
6/22/2004	LRF	Met with Mr. Scurr, Ms. Boutsis and Mayor Flinn concerning status of all matters.	3.00	555.00
6/23/2004	LRF	Reviewed declaration of restrictions for South Motors property.	0.80	148.00
6/24/2004	LRF	Reviewed documents provided by Simon Ferro regarding property restrictions; and met with representatives of South Motors and Arleen Weintraub.	1.70	314.50
			<hr/>	
			Total Professional Services	3,922.00

**Rate Summary**

Earl G. Gallop	8.90 hours at \$185.00/hr	1,646.50
Luis R. Figueredo	8.10 hours at \$185.00/hr	1,498.50
Nakia D. Henry	4.20 hours at \$185.00/hr	777.00

Total hours: 21.20

For Professional Services	3,922.00
For Disbursements Incurred	0.00
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Current Balance:	3,922.00
Previous Balance:	11,711.39
Payments - Thank you	0.00
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<b>Total Due</b>	<b>15,633.39</b>

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

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9100 S. Dadeland Boulevard  
Suite 1000  
Miami, Florida 33156

June 28, 2004  
Matter ID: 0293-003  
Comprehensive Plan  
Statement No. 16265

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For Professional Services	0.00
For Disbursements Incurred	0.00
Current Balance:	<u>0.00</u>
Previous Balance:	462.50
Payments - Thank you	0.00
<b>Total Due</b>	<u>462.50</u>

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

June 28, 2004  
 Matter ID: 0293-005  
 Real Property

Statement No. 16266

			Hours	Amount
5/25/2004	EGG	Reviewed corrective deed regarding De Lamour property; reviewed notice of quiet title action against same, complaint, affidavit of diligent search for same, request to court to take judicial notice of pleadings and papers in prior forfeiture action,	0.60	111.00
6/25/2004	EAB	Delamour property: telephone conference with Mr. George Lott regarding status of litigation and provided update to Mr. Scurr and staff.	0.30	55.50
				166.50
<b>Total Professional Services</b>				<b>166.50</b>

**Rate Summary**

Earl G. Gallop	0.60 hours at \$185.00/hr	111.00
Eve A. Boutsis	0.30 hours at \$185.00/hr	55.50
<b>Total hours:</b>		<b>0.90</b>

For Professional Services	166.50
For Disbursements Incurred	0.00
Current Balance:	<hr/> 166.50
Previous Balance:	370.00
Payments - Thank you	0.00
<b>Total Due</b>	<hr/> 536.50

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

June 28, 2004  
 Matter ID: 0293-007  
 Old Cutler Presby. Church  
 Statement No. 16267

			Hours	Amount
6/11/2004	EGG	Analyzed recent judicial authorities regarding standards for invoking certiorari review [fundamental and egregious error resulting in miscarriage of justice] and meaning of same ascribed by courts.	0.40	74.00
6/14/2004	EGG	Prepared for and attended attorney-client meeting.	2.50	462.50
6/15/2004	EGG	Reviewed order directing Pastorella's to file corrected petition; and analyzed judicial authorities holding that constitutional challenge to ordinance may not be maintained in certiorari proceeding.	0.60	111.00
6/22/2004	EAB	Analyzed pleadings, and background information in anticipation of meeting with Mr. Scurr and mayor Flinn.	1.00	0.00
			<b>Total Professional Services</b>	<b>647.50</b>

**Rate Summary**

Earl G. Gallop	3.50 hours at \$185.00/hr	647.50
Eve A. Boutsis	1.00 hours at \$ 0.00/hr	0.00
<b>Total hours:</b>	<b>4.50</b>	<b>647.50</b>

**Disbursements**

6/21/2004	Legal research	271.70
6/25/2004	Postage Charge	0.37
6/25/2004	Disbursements incurred - 3.0%	12.95

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CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

For Professional Services	647.50
For Disbursements Incurred	285.02
<b>Total Invoice Due</b>	<hr/> 932.52

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