

RESOLUTION NO. 03-39

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 \$15,162.36; 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 statement to the village for legal services rendered, and costs advanced, for the period ending March 31, 2003, in the amount of \$15,162.36; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

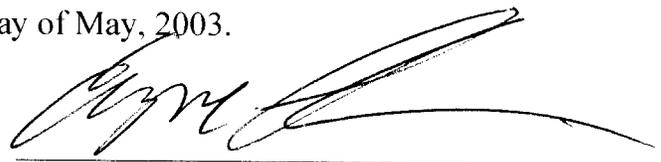
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The statement for attorneys' fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$15,162.36, a copy of which is attached, is approved for payment

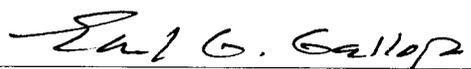
Section 2. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 5 day of May, 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>AYE</u>
Council Member Paul Neidhart	<u>AYE</u>
Council Member John Breder	<u>AYE</u>
Vice-Mayor Linda Robinson	<u>AYE</u>
Mayor Eugene P. Flinn, Jr.	<u>AYE</u>

\\Dell_6100\Documents\0293\DAJ\17586.doc

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 8, 2003
Matter ID: 0293-001
General Municipal
Statement No. 13806

			Hours	Amount
03/03/2003	EGG	Reviewed charter prohibition on lobbying by campaign contributors and responded to email from mayor Flinn regarding same.	0.20	37.00
03/03/2003	EGG	Reviewed and evaluated Feb. 28 letter by Mr. Stan Price to Ms. Diane O'Quinn Williams, Dir., MDC Planning and Zoning Dept., requesting administrative letter of interpretation that proposed use of Burger King World HQ property by UM Rosensteil School is allowable use under zoning code and restrictive covenants."	0.30	55.50
03/03/2003	EGG	Prepared for and attended meeting with representatives of VPB and MDC regarding police services agreement.	4.70	869.50
03/03/2003	EGG	Prepared for and attended village council meeting.	4.50	832.50
03/04/2003	EGG	Attention to after-meeting action, including instructions to obtain deeds for transfer of parks from MDC to village, search for interlocal agreement between city of Miami Lakes and MDC regarding continuation of parks program, review of restrictive covenants regarding Bell South building; email to Mr. Scurr regarding language concerning retirement provision of VM contract and contacting Ms. Jane Foreman to release right to build facility in green space.	0.70	129.50
03/05/2003	EGG	Telephone conference with mayor Flinn regarding further handling needs for Jane Foreman tennis facility contract, direction to MDC regarding transfer of parks and recreation programs; telephone conference with Mr. Scurr and Mr. Kenneth Harrison, pension attorney, regarding retirement benefit; revised VM contract, prepared resolution approving amended contract and transmitted same to mayor, council and Mr. Scurr; prepared email to MDC negotiating team regarding transfer of parks and recreation functions.	2.90	536.50
03/06/2003	EGG	Responded to Dr. Feller's email regarding negotiations with MDC concerning transfer of parks and recreation programs; attention to procedure for approving amended VM contract.	0.20	37.00
03/06/2003	EGG	Reviewed Feb. 19 letter from Ms. O'Quinn Williams, dir., MDC	0.20	37.00

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.

Date	Initials	Description	Rate	Amount
		Dept. of Planning and Zoning, to Mr. Jerry Proctor, authorizing use of shopping center at SE corner of SW 168 St and Old Cutler Road and requiring restrictive covenants regarding restricted use and parking; transmitted same to Mr. Scurr		
03/06/2003	EGG	Reviewed resolutions and contracts for special comm'n. meeting; instructions to attorney.	0.50	92.50
03/06/2003	MDS	Evaluated Declaration of Restrictions, Resolution No. CZAB13-6-01, and accompanying documents. Prepared memorandum regarding evaluation of Declaration of Restrictions, Resolution No. CZAB13-6-01, and accompanying documents in terms of any possible adverse limitations said documents placed upon use of premises in question. 8950 S.W. 152 Street.	2.00	370.00
03/07/2003	EAB	Finalized administrative procedures ordinance.	3.00	555.00
03/07/2003	EAB	Drafted procurement ordinance.	2.00	370.00
03/07/2003	MDS	Reviewed and analyzed parks matters and Bell South property matter. Left various voice mails with county attorney office and local attorney officer in regards to these matters. Telephone conference with Mr. regarding South Bell property. Telephone conference with Ms. Martinez-Cid in regards to parks issues.	0.90	166.50
03/10/2003	EAB	Analysis of Coral Gables, Pinecrest, Aventura, Key Biscayne and Miami Lakes ordinances on procurement, administrative procedures and special master system; finalized village procurement and administrative codes; began drafting special master ordinance; and prepared email to Mr. Scurr regarding categories of village's flooding zones.	7.00	1,295.00
03/10/2003	LRF	Reviewed proposed changes to the Lease; telephone conference with Councilman Breder regarding proposed changes to the lease.	2.50	462.50
03/10/2003	EGG	Attention to transfer of parks and obtaining schedule of recreation programs.	0.30	55.50
03/10/2003	EGG	Telephone conference with Mr. Serfio Pereria, Price, Proctor and Scurr regarding favorable zoning interpretation letter issue by MDC Dept. of Planning and Zoning, concerning use of Burger King World Headquarters as UM research facility request by Mr. Price for acceptance of zoning letter by village council and attention tot further handling needs; received and reviewed zoning interpretation letter.	0.60	111.00
03/10/2003	EGG	Attention to restrictions on use of Bell South building as city hall.	0.20	37.00
03/10/2003	EGG	Telephone conference with mayor Flinn, Mr. Scurr and Mr. Rasco regarding mechanism for donation of parkland by UM to village, and other matters.	0.30	55.50
03/11/2003	EAB	Analysis of revised county ethics ordinance as it relates to lobbyist activities.	0.40	74.00

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.: 13806

Page: 3

03/11/2003	EAB	Continued to revise special master ordinance; telephone conference with Mayor Flinn regarding village's draft personnel policy; received assignments as to personnel policy issues; analysis of FMLA, military leave and property right creation; drafted memorandum to budget and finance committee on alternative gift policy language; telephone conference with Mr. Scurr on these issues; and drafted memorandum regarding personnel policy research and redlined personnel policy to reflect recommended changes to policy.	7.00	1,295.00
03/11/2003	LRF	Meeting with Tony O'Donnell and Michael Sontag.	1.00	185.00
03/11/2003	EGG	Telephone conference with mayor Flinn regarding UM purchase of Burger King property, issues regarding lease of Bell South property, personnel policies and other matters.	0.30	55.50
03/11/2003	EGG	Attention to NIFA flood zone ordinance.	0.20	37.00
03/12/2003	EAB	Finalized special master ordinance and revisions to personnel policies; analyzed chapter 205, Fla. Stat. as to state mandated occupational license requirements; legal research for, and analysis of Key Biscayne; Miami Lakes, Aventura and Pinecrest occupational license ordinances.	5.00	925.00
03/12/2003	EAB	Attended Budget and Finance Committee meeting.	3.00	555.00
03/12/2003	LRF	Prepared comments and proposed changes to the Lease.	1.90	351.50
03/12/2003	EGG	Telephone conferences with mayor Flinn regarding annexation of Kings Bay by city of Coral Gables with particular attention to recouping costs of providing police services to area when requested under mutual aid agreement, and with Mr. Scurr regarding handling of donation of park land by UM in connection with purchase of Burger King property and issues related to restrictions on use of Bell South property as city hall and police station.	0.30	55.50
03/12/2003	EGG	Attention to risk presented by restrictions on use of Bell South property with particular attention to prohibitions on use as library, social service agencies and investigative service.	0.30	55.50
03/12/2003	EGG	Telephone conference with mayor Flinn regarding Bell South property lease, personnel policies issues and other matters.	0.30	55.50
03/13/2003	LRF	Preparation of comments.	2.00	370.00
03/13/2003	EGG	Attention to expiration of contract with Mr. Rasco; email communication with Mr. Scurr regarding same.	0.20	37.00
03/13/2003	EGG	Revised ordinance relating to council meetings and procedures.	2.00	370.00
03/14/2003	EGG	Provided comments on office lease issues.	0.30	55.50
03/14/2003	EGG	Revised council procedures ordinance; reviewed Roberts Rules of Order.	3.20	592.00

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.: 13806

Page: 4

03/17/2003	EGG	Reviewed edits to council meeting procedures ordinance.	0.10	18.50
03/19/2003	LRF	Reviewed declarations and restrictions.	0.90	166.50
03/19/2003	EGG	Revised council procedures ordinance.	0.10	18.50
03/20/2003	LRF	Attended Homeowners' meeting with the Mayor, Councilman Breder and City Manager.	1.50	277.50
03/24/2003	LRF	E-mailed President for ACRE regarding draft language for modifications and restrictions; telephone conference with Charles Scurr regarding same.	0.50	92.50
03/25/2003	EAB	Attention to Bert J. Harris legislative amendments and support of CMB request to reject or veto amendments.	0.20	37.00
03/25/2003	EAB	Attention to cone of silence language to be inserted in all RFPs, RFQs and bid solicitations; revised initial draft of business license tax ordinance and forwarded draft to Mr. Scurr.	0.60	111.00
03/25/2003	LRF	Reviewed modifications to the Lease Agreement for Village Hall at Bell South building located at 8950 S.W. 152nd Street.	1.20	222.00
03/26/2003	EGG	Attended village council workshop [1.0 hr. no charge].	1.00	185.00
03/26/2003	EGG	Prepared ordinance assuming land use planning and zoning powers, and prepared village attorney memo.	1.00	185.00
03/26/2003	EGG	Prepared ordinance adopting permanent village seal and village attorney memo.	0.90	166.50
03/26/2003	EGG	Analyzed draft parks interlocal agreement and prepared comments and recommendations.	1.80	333.00
03/27/2003	EGG	Final preparation of memorandum regarding parks interlocal agreement, and provided comments and recommendations regarding same; telephone conference with Mr. Scurr and transmitted memo to council members and village negotiating team.	1.90	351.50
03/27/2003	EGG	Attention to proposed lease of old Bell South building.	0.30	55.50
03/27/2003	EGG	Telephone conferences with Mr. Jerry Proctor regarding removal from agenda of council acceptance of opinion of MDC Dept. of Planning and Zoning regarding use of Burger King property by UM; and with Ms. Cynthia Johnson-Stacks, ass't. county attorney, regarding scheduling of county budget and finance committee action on village request for additional \$300,000 advance of funds.	0.50	92.50
03/28/2003	EGG	Reviewed email from Ms. Cynthia Stack-Johnson, ass't. county attorney, and attached amendment no. 1 to funding interlocal agreement and proposed county resolution; prepared village resolution requesting assistance and transmitted documents to Mr. Scurr and Ms. Pier for inclusion on agenda with instructions regarding same.	1.20	222.00
03/28/2003	EGG	Final preparation of burglar alarm ordinance and village attorney	2.80	518.00

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.

		memorandum		
03/28/2003	EGG	Final preparation of procurement ordinance and village attorney memorandum; transmitted same to mayor Flinn, Mr. Scurr, Ms. Pier; telephone conference with mayor and Mr. Scurr; instructions to administrative assistant.	4.20	777.00
			<hr/>	
			Total Professional Services	15,003.50

Rate Summary

Eve A. Boutsis	28.20 hours at \$185.00/hr	5,217.00
Luis R. Figueredo	11.50 hours at \$185.00/hr	2,127.50
Earl G. Gallop	38.50 hours at \$185.00/hr	7,122.50
Michael D. Spivack	2.90 hours at \$185.00/hr	536.50

Total hours: 81.10

Expenses

	Postage Charge	6.08
	Photocopies	48.50
	Telefacsimile charge	45.00
	Legal research	29.02
	Parking Charge	18.00
03/19/2003	Federal express	12.26
		<hr/>
Sub-total Expenses:		158.86

Payments

03/12/2003	Payment	Ck#1071	11,429.14
04/10/2003	Payment	Ck#1094	17,266.28
			<hr/>
Sub-total Payments:			28,695.42

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	15,003.50
For Disbursements Incurred	158.86
Current Balance:	<hr/> 15,162.36
Previous Balance:	28,695.42
Payments - Thank you	28,695.42
Total Due	<hr/> 15,162.36

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.