

RESOLUTION NO. 03-18

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 \$11,429.14; 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 January 31, 2003, in the amount of \$11,429.14; 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 \$11,429.14, a copy of which is attached, is approved for payment

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

PASSED and ADOPTED this 3rd day of March, 2003.

Attest: Meighan Pier
Meighan Pier
Village Clerk

Eugene P. Flinn, Jr.
Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:

Earl G. Gallop
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>

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NAGIN GALLOP FIGUEREDO^{P.A.}

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

January 31, 2003
Matter ID: 0293-001
General Municipal

Statement No. 13229

			Hours	Amount
1/6/2003	EAB	Legal research for Fla.S.Ct. docket information on Omnipoint/Miami-Dade County regarding scheduling of oral argument before Fla. S. Ct.	0.50	92.50
1/6/2003	EGG	Reviewed letter from Mr. Mark A. Smith, ass't. state attorney, regarding complaint concerning approval of contracts without competitive bidding.	0.20	37.00
1/6/2003	EGG	Prepared for and attended ethics workshop; analyzed Government in the Sunshine Law Manual, Fla. Stat. and other sources in preparing sections on public meeting and public records laws [no charge].	3.50	0.00
1/6/2003	EGG	Prepared for and attended council meeting.	2.20	407.00
1/6/2003	MDS	Left voice mail message for Assistant State Attorney Mark Smith in regards to his letter requesting further information in regards to a Sunshine Law violation allegation being looked into concerning client.	0.10	18.50
1/7/2003	MDS	Set appointment for Mr. Gallop and myself to meet with with Assistant State Attorney Mark Smith. Prepared for meeting with Assistant State Attorney Mark Smith.	0.30	55.50
1/13/2003	EAB	Telephone conference with city clerk and Mr. Rasco regarding proposed ordinances on (1) competition for village seal; (2) trust fund for Mr. Robinson donations; and (3) simplified communication tax ordinance; continued analysis of Chapter 202, Fla. Stat. regarding simplified communication tax ordinance; and telephone conference with representative of school board, Lisa Harris regarding city's current adoption of County comprehensive plan so that the parties may execute interlocal agreement with school board.	1.50	277.50
1/14/2003	EAB	Attention to drafting communications service tax.	6.00	1,110.00

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.

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Date	Attorney	Description	Hours	Amount
1/15/2003	EAB	Continued analysis of Chapters 337, 202 and 203, Fla. Stat. and further revised communications service tax ordinance; waiver of permit fee resolution under Chapter 337; telephone conference with Dept. of Revenue employees regarding implementation of tax, deadlines, future application versus retroactive, etc; telephone and email communications with the city clerks for Aventura, Miami Lakes, Pinecrest, Key Biscayne, South Miami Community Redevelopment Agency, and Housing Authority for the City of Miami Beach regarding logo contest procedures; telephone conference with City Attorneys for Miami Beach and Coral Gables regarding their policies on trust agreements for public donations; drafted logo contest resolution and trust resolution for Mr. Robinson's fund donations.	7.00	1,295.00
1/15/2003	EGG	Attention to communications service tax ordinance and instructions to work attorney.	0.30	55.50
1/16/2003	EAB	Continued to revise communications service tax ordinance, drafted memorandum to Commission on the ordinance and further attention to the logo contest procedures.	2.00	370.00
1/16/2003	EGG	Final preparation of resolutions regarding village seal contest, appointment of by council of liaison to MD school board and creation of Kenneth Robinson trust account for beautification projects; transmitted same to mayor, council, city managers and clerk.	2.20	407.00
1/16/2003	EGG	Final preparation of communication services tax ordinance; transmitted same to mayor and village council and to county manager's negotiating team; telephone conference with vice mayor Robinson regarding revisions to resolutions regarding appointment of liaison to school board and trust account.	2.30	425.50
1/17/2003	EGG	Telephone conference with Mr. Rasco regarding agenda, revisions to resolutions, status of negotiations with county manager negotiating team and police services agreement.	0.40	74.00
1/17/2003	EGG	Reviewed resolution regarding village seal contest and transmitted same to Ms. Pier and council members.	0.20	37.00
1/20/2003	EGG	Instructions to work attorney regarding legal research concerning exposure of city, if any, to liability for lost profits in breach of contract claim concerning tennis facility contract	0.10	18.50
1/20/2003	MDS	Legal research regarding validity of preexisting contract. Reviewed case law, statutory law, Village Charter, Lease Agreement between County and Jane Forman Tennis Academy, Miami-Dade Home Rule Charter Article 5, and Miami-Dade County Code sections 20-20 through 20-29. Legal research regarding recovery for "loss business opportunity" and "lost profits."	7.00	1,295.00

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Date	Initials	Description	Rate	Amount
1/21/2003	EAB	Preparation for commission meeting; meeting with Mr. Scurr to review agenda items; and attended commission meeting.	6.00	1,110.00
1/21/2003	EGG	Reviewed agenda documents and prepared for village council meeting.	0.80	148.00
1/21/2003	MDS	Reviewed Lease Agreement between County and Jane Forman Tennis Academy for details of penalties for non performance and or breach of agreement.	0.70	129.50
1/22/2003	EAB	Telephone conference with and prepared email to file regarding S.A. Mark Smith inquiry into possible sunshine violations; drafted memorandum on pending items the council discussed during commission meeting which they requested that we work on; and telephone conference with Ms. Grace Reeves of the FDOR regarding our draft communications service tax ordinance.	1.30	240.50
1/23/2003	EAB	Analyzed final version of State Mandated School Interlocal Agreement.	0.30	55.50
1/23/2003	EAB	Email communication with Mr. Dave Ansley of the Florida DOR regarding draft communications services tax.	0.20	37.00
1/23/2003	MDS	Telephone conference with Assistant State Attorney Mark Smith in regards to possible Sunshine law violation.	0.20	37.00
1/24/2003	EGG	Telephone conference with Mr. Rasco regarding preparation for zoning hearings and status of Jane Forman tennis facility contract.	0.40	74.00
1/25/2003	EGG	Reviewed applications for zoning approval by Paradise Point Corp., Thomas & Margaret Gerrish, and Pierre & Sandra Economacos.	1.00	185.00
1/27/2003	EGG	Prepared development order resolution form; prepared proposed development orders for Paradise Point Corp., Thomas & Margaret Gerrish, and Pierre & Sandra Economacos.	3.00	555.00
1/27/2003	EGG	Attended meeting with budget and finance committee.	1.50	277.50
1/28/2003	EGG	Attended meeting with mayor Flinn, Mr. Scurr and Mr. Rasco regarding tennis facility contract with Jane Forman, police services agreement and other matters.	1.50	277.50
1/28/2003	EGG	Prepared for zoning hearings, including analysis of staff reports and recommendations, analysis of applicable codes, telephone conferences with Ms. Diane O'Quinn Williams, Ms. Sylvia Crespo-Tabak and Mr. Ron Connolly, and with all commissioners; prepared presentation for first zoning hearing by village council.	4.50	832.50
1/28/2003	EGG	Attention village council zoning hearings.	2.00	370.00
1/29/2003	EAB	Attention to school interlocal agreement and provided authorization for agreement, and requested placement of item on next agenda.	0.30	55.50
1/29/2003	EGG	Telephone conferences with mayor Flinn, Mr. Rasco and Ms.	0.30	55.50

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Tabak regarding scheduling meetings on Jane Forman tennis facility contract and other matters; email to Ms. Dianne O'Quinn Williams, director, Dept of Planning and Zoning regarding zoning hearings.

1/29/2003	EGG	Reviewing contract with Jane Forman for operation of tennis facility.	1.00	185.00
1/30/2003	EGG	Reviewed and approved amendments to zoning resolutions.	0.20	37.00
1/30/2003	EGG	Reviewed legal notice forms for zoning hearings and discussed same with Mr. Rasco	0.30	55.50
1/31/2003	EGG	Analyzed contract between county and Jane Forman and construction exhibit; prepared for and attended meeting with village and county representatives regarding contract.	3.50	647.50
				11,340.50
Total Professional Services				

Rate Summary

Eve A. Boutsis	25.10 hours at \$ 185.00/hr	4,643.50
Earl G. Gallop	3.50 hours at \$ 0.00/hr	0.00
Earl G. Gallop	27.90 hours at \$ 185.00/hr	5,161.50
Michael D. Spivack	8.30 hours at \$ 185.00/hr	1,535.50

Total hours: 64.80

Expenses

Telefacsimile charge	46.00
Parking Charge	9.39
Photocopies	33.25
Sub-total Expenses:	88.64

Payments

1/14/2003	Payment	Ck#1022	23,589.74
Sub-total Payments:			23,589.74

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For Professional Services	11,340.50
For Disbursements Incurred	88.64
Current Balance:	<hr/> 11,429.14
Previous Balance:	30,443.67
Payments - Thank you	23,589.74
Total Due	<hr/> 18,283.07

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

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