

RESOLUTION NO. 06-107

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 \$19,722.27; 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 October 27, 2006, in the amount of \$19,722.27; 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 \$19,722.27, copies of which are attached, are approved for payment.

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

PASSED and ADOPTED this 6th day of November, 2006.

Attest:



Meghan Pier
 Village Clerk



Eugene P. Flinn, Jr.
 Mayor

APPROVED AS TO FORM:



Eve A. Boutsis,
 Nagin Gallop Figueredo, P.A., as Office
 of the Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller YES

Council Member Paul Neidhart YES

Council Member John Breder YES

Vice-Mayor Linda Robinson YES

Mayor Eugene P. Flinn, Jr. YES

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

18001 Old Cutler Road – Suite 556
Miami, Florida 33157-6416

Telephone: (305) 854-5353

Facsimile: (305) 854-5351

November 1, 2006

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 October 27, 2006. The amounts due are as follows:

0293-001	Non-Retainer Legal Services <i>Statement No. 18705 dated 10/27/06</i>	Prof'l Services	\$	12,432.00
		Disbursements		735.75
		Total		13,167.75
0293-002	Zoning Applications <i>Statement No. 18706 dated 10/27/06</i>	Prof'l Services	\$	4,847.00
		Disbursements		96.94
		Total		4,943.94
0293-004	Code Enforcement <i>Statement No. 18707 dated 10/27/06</i>	Prof'l Services	\$	1,024.00
		Disbursements		20.48
		Total		1,044.48
0293-009	Code Enforcement <i>Statement No. 18708 dated 10/27/06</i>	Prof'l Services	\$	555.00
		Disbursements		11.10
		Total		566.10
	TOTAL CURRENTLY DUE		\$	19,722.27

Letter to Charles D. Scurr, Village Manager
November 1, 2006
Page 2 of 2

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

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized 'E' followed by a smaller 'A.' and a surname that is partially obscured by the signature's flourish.

Eve A. Boutsis,
Office of the Village Attorney

EAB/lcm

Enclosures

cc: Mayor and Village Council

NAGIN GALLOP FIGUEREDO^{RA.}

Attorneys & Counselors

18001 Old Cutler Road, Suite 556 Miami, Florida 33157
Telephone: (305) 854-5353 Facsimile: (305) 854-5351

Eugene P. Flinn, Jr.
Village of Palmetto Bay
8950 SW 152nd Street
Palmetto Bay, Florida 33157

October 27, 2006
Matter ID: 0293-001
General Municipal
Invoice Number 18705

			Hours	Amount
9/8/2006	LRF	Attended meeting with Mr. Charles Scurr, Ms. Cadaval and South Motors representatives; meeting with Mr. Scurr, Mayor Eugene Flinn, and Ms. Meigan Pier regarding canvassing board and pending park and village hall matters.	3.00	555.00
9/20/2006	LRF	Telephone conference with John Hearn and Nina Boniske regarding mitigation.	0.40	74.00
9/26/2006	CVH	Received and reviewed Office Action from US Patent & Trademark Office regarding "Village of Parks" trademark application.	0.60	111.00
9/28/2006	CVH	Reviewed and analyzed in detail Office Action from USPTO on "Village of Parks" trademark application; lengthy status report regarding procedure for responding to Office Action.	0.90	166.50
9/28/2006	EAB	Attention to police services renewal; telephone conference with Mr. Scurr; email communications with Mr. Ed Ludovici; attention to nonprofit; attention to and authorized grant agreement form; attention to Ms. Maria Basualdo's matter and sidewalk issue; email communications with Mr. Ron Williams regarding pending items; telephone conference with Mr. Tom Meeks and Mr. Jerry Proctor regarding PBVC matter; analyzed police interlocal memorandum; followup on sidewalk issue with Mr. Williams; telephone conference with Mr. Bart Armstrong of MDC PD attorney's office; attention to pending assignments; attention to trademark matter; and ordering of appraisals.	3.70	684.50
9/29/2006	CVH	Attention to Office Action on "Village of Parks" trademark application.	0.20	37.00
9/29/2006	EAB	Email communications with Ms. Cadaval, and Ms. Garcia; attention to appraisals; requested appraisals and drafted letter requesting same; and attention to revised police services memorandum.	0.60	111.00
9/29/2006	EAB	Attention to police services contract and exhibit; attention to application for grant funding, and revised resolution regarding same.	0.60	111.00
10/2/2006	CVH	Follow up with various Village officials regarding additional uses of	0.90	166.50

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.

Date	Initials	Description	Hours	Amount
		"Village of Parks" slogan, strategy for responding to Office Action and additional information needed before response can be prepared; brief analysis of Office Action.		
10/2/2006	EAB	Analyzed agenda and prepared for village council meeting.	1.50	277.50
10/2/2006	EAB	Meeting with staff regarding pending items.	1.00	185.00
10/3/2006	EAB	Telephone conference with Mr. Neil Schaffel regarding computer services contract and possible revisions to same.	0.30	55.50
10/4/2006	CVH	Analysis of Office Action from trademark office regarding "Village of Parks" trademark application,	1.50	277.50
10/4/2006	EAB	Attended staff meeting; telephone conference with Comm'r Shelley Stanczyk regarding procedures and protocols; telephone conference with independent contractor's counsel regarding computer contract; email communications with village council regarding same; coordinated meeting regarding Paradise Point.	1.70	314.50
10/4/2006	EAB	Attended village council meeting.	3.50	647.50
10/5/2006	CVH	Research regarding procedures for filing trademark application with State of Florida; Westlaw research to obtain copies of cases cited by trademark office in Office Action on Village of Parks trademark application; follow up regarding need to postpone filing state application until final decision is made as to classes to be used on federal application and other outstanding issues.	1.20	222.00
10/5/2006	EAB	Attention to computer contract; and attention to IRS regulations relating to donations to a municipality; attention to Forman matter; Communications with Mr. Sochin, Ms. Ana Garcia, Vice Mayor Linda Robinson, and Council Person Paul Neidhart (separately) regarding same; and email communications with Mr. Robert Rossano regarding same.	0.70	129.50
10/6/2006	EAB	Attention to Jane Forman matter.	0.20	37.00
10/7/2006	CVH	Began review of cases cited by trademark office in Office Action regarding "Village of Parks" trademark application,	0.40	74.00
10/9/2006	CVH	Continued review of cases cited in Office Action regarding "Village of Parks" trademark application to determine proper response.	2.50	462.50
10/9/2006	EAB	Drafted HSA/HRA memornadum for employees.	0.40	74.00
10/10/2006	CVH	Reviewed and shepardized cases cited by trademark office in Office Action regarding "Village of Parks" trademark application; reviewed rules regarding descriptions of goods and services.	3.30	610.50
10/11/2006	CVH	Research regarding proper treatment and descriptions of services in applications to register service marks for "Village of Parks" trademark application.	0.90	166.50
10/11/2006	EAB	Attention to Tyka and dedication matters; email and telephone conference with Mr. Williams regarding same; follow up with Ms. Boninske and Mr. Hearn regarding mitigation; attention to quasi-judicial matters, procedures, and documents to be discussed	1.40	259.00

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		with council person Stanczyk.		
10/11/2006	EAB	Attended meeting with Council Person Stanczyk; meeting with Mr. Scurr and Council Person Dr. Ed Feller; meeting with Ms. Cadaval; and meeting with P&Z staff.	3.00	555.00
10/12/2006	CVH	Research regarding treatment of various types of "services" in trademark applications, for response to Office Action re: "Village of Parks" trademark application.	1.60	296.00
10/13/2006	CVH	Exchanged lengthy e-mails with Ms. Boutsis regarding status of investigation on Village of Parks trademark; research regarding possible use of alternate classes for federal application.	0.40	74.00
10/13/2006	EAB	Attention to gift procedures; attention to mitigation matter; and email communications with Mr. Hearn and Ms. Boninske; analyzed health plan and related services contract; telephone conference with Mr. Ludovici; email communication with village council relating to P&Z agenda and Jennings; telephone conference with Mr. Rossano regarding COW and Forman contract; and email communications with Mr. Robert Stevens.	2.00	370.00
10/13/2006	EAB	Telephone conference with Bilzin firm regarding FT&I; analyzed state code relating to water craft, vessels, wake zones, speed zones, and municipal enforcement; analyzed Dept. Of Fish and Wildlife administrative code and regulations; and provided update to Mr. Scurr, Dr. Feller and staff regarding same; telephone conference with Mr. Scurr on pending items.	3.20	592.00
10/16/2006	CVH	Internet research regarding use of slogans as trademarks by other municipalities in connection with "Village of Parks" trademark.	0.40	74.00
10/16/2006	EAB	Attention to mitigation; and email communications with Mr. Hearn and Ms. Boninske.	0.20	37.00
10/17/2006	CVH	Attention to trademark issues, including past usage of "Village of Parks" slogan and recommendations for future use; reviewed Village's Web site to determine whether slogan is being used there; reviewed new Web site of Village of Doral to see their use of slogans.	0.70	129.50
10/18/2006	EAB	Attention to Forman contract.	0.40	74.00
10/18/2006	EAB	Attended COW meeting.	4.00	740.00
10/19/2006	CVH	Telephone conference with Ms. Cadaval at Village regarding usage of "Village of Parks" trademark; received e-mail from Ms. Josie Bober transmitting specimens of certain uses. [No Charge].	0.60	0.00
10/19/2006	EAB	Telephone conferences with Mr. Scurr, Mayor Flinn, Mr. Rossano, Mr. Chin; email communications with Mr. Griffith, Ms. Forman, Mr. Rossano, and staff; revised Forman contract, Forman ordinance; drafted village hall purchase resolution; analyzed structure of deal; telephone conference with Ms. Pier; attention to advertising requirements of special meeting; email communications with council to coordinate zoning meetings and forwarded pooper scooper laws to village council; attention to golf and payments by and to Forman; and received input from Dr. Feller (no charge.2].	5.30	980.50

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10/20/2006	CVH	E-mails from Ms. Bober at Village responding to questions and transmitting specimens showing use of "Village of Parks" trademark; reviewed specimens.	0.30	55.50
10/20/2006	EAB	Drafted letter of intent; drafted purchase and sale contract; revised and edited ordinance and first addendum to Forman contract; drafted resolutions relating to land purchase; and telephone conferences with Mr. Chin, Mr. Rossano, Mr. Scurr, Mayor Flinn, Ms. Cadaval, Ms. Pier.	6.00	1,110.00
10/23/2006	CVH	E-mails with Ms. Bober at Village regarding usage of "Village of Parks" trademark; received invoice for T-Shirt orders. [No Charge].	0.50	0.00
10/23/2006	EAB	Telephone conference with Mr. Scurr, mayor Flinn, council person Stanczyk, v-m Robinson regarding special council meeting agenda items; telephone conference with Ms. Forman and email communications with Mr. Rossano regarding same; telephone conference with Ms. King; and analyzed lease agreement for South Florida Workforce, Inc.	4.00	740.00
10/23/2006	EAB	Attended special council meeting.	1.00	185.00
10/24/2006	EAB	Attention to park naming matter; telephone conference with Mr. Ludovici and Mr. Scurr; meeting with Mr. Scurr regarding park projects, Ms. King property, and pending item; meeitng and telephone conference with Mr. Scurr and: mayor Flinn, Dr. Feller (separate calls); attention to Forman matter; drafted foreclosure/demolition action memorandum on unsafe structures; and revised LOI.	2.50	462.50
10/25/2006	EAB	Telephone conference with Ms. Pier regarding meeting with Mayors Flinn and Vrooman; and coordinating meetings with other council persons regarding LDC; email communications regarding same; and finalized LOI.	0.60	111.00
10/27/2006	CVH	Drafted memorandum with status update.	0.20	37.00
			Total Professional Services	12,432.00

Rate Summary

Catherine A. Van Horn	1.10 hours at \$ 0.00/hr	0.00
Catherine A. Van Horn	16.00 hours at \$185.00/hr	2,960.00
Luis R. Figueredo	3.40 hours at \$185.00/hr	629.00
Eve A. Boutsis	47.80 hours at \$185.00/hr	8,843.00
Total hours:	68.30	12,432.00

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Disbursements

9/5/2006	Parking Charge	4.00
9/6/2006	Database Legal research	113.01
9/11/2006	Database Legal research	45.25
10/5/2006	Filing fee	300.00
10/5/2006	Courier charge	24.85
10/27/2006	Disbursements incurred - 2.0%	248.64

Payments and Credits

10/20/2006	Check No.: 5223	3,011.33
10/20/2006	Check No.: 5223	7,698.96
10/30/2006	Check No.: 5253	9,024.97
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		19,735.26

For Professional Services	12,432.00
For Disbursements Incurred	735.75
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Current Balance:	13,167.75
Previous Balance:	19,735.26
Payments - Thank you	19,735.26
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Total Due	13,167.75

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

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

18001 Old Cutler Road, Suite 556 Miami, Florida 33157
Telephone: (305) 854-5353 Facsimile: (305) 854-5351

Eugene P. Flinn, Jr.
Village of Palmetto Bay
8950 SW 152nd Street
Palmetto Bay, Florida 33157

October 27, 2006
Matter ID: 0293-002
Zoning Applications
Invoice Number 18706

			Hours	Amount
9/29/2006	EAB	Attention to SinFin application, attention to Jennings Rule and email communication with Mr. Prussing regarding same.	0.40	74.00
9/29/2006	EAB	Edited draft ldc.	2.00	370.00
10/2/2006	EAB	Various email communications with residents regarding quasi-judicial proceedings and Jennings violations.	0.60	111.00
10/3/2006	EAB	Continued Jennings communications; received update on possible sidewalk issue; attention to zoned right-of-way; attention to Paradise Point issue; analyzed draft declaration of restrictions with attorney Mr. J. Hinson; and provided comments regarding same.	1.40	259.00
10/5/2006	EAB	Legal research regarding dedication of ROW, prescriptive easements, etc.	1.50	277.50
10/5/2006	EAB	Staff meeting with Mr. Charles Scurr, Mr. Efren Nunez, and Ms. Arleen Weintraub regarding 10-16-06 zoning agenda; and meeting with OCI representatives on property options.	2.00	370.00
10/6/2006	EAB	Attention to Paradise Point matter; and meeting with Mayor Eugene Flinn regarding zoning matters.	2.00	370.00
10/6/2006	EAB	Legal research regarding zoned ROW, dedication of ROW, and prescriptive ROW; and provided memorandum to staff regarding same.	1.40	259.00
10/10/2006	EAB	Attention to Jennings issues; and email communications with staff and applicant regarding declaration of restrictions and title report.	0.40	74.00
10/11/2006	EAB	Telephone conference with Ms. Weintraub and Mr. Proctor.	0.20	37.00
10/11/2006	EAB	Analyzed zoning agenda; and follow up with staff regarding same.	2.00	370.00
10/12/2006	EAB	Attention to SinFin and pending zoning items; and telephone conference with Bilzin firm regarding FT&I ordinance.	0.40	74.00
10/16/2006	EAB	Attention to zoning agenda; email communications with residents regarding Jennings rule; telephone conference with Mr. Scurr regarding meeting; email conference with Mr. Brian Adler	2.90	536.50

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regarding Good Will matter; telephone conference with Ms. Weintraub, Mr. Scurr, etc. regarding same; telephone conference with Mr. Nunez regarding lobbyist registration, etc; luncheon meeting with Mayor Flinn regarding zoning items; and prepared for zoning hearing.

10/16/2006	EAB	Attended zoning hearing.	2.50	462.50
10/17/2006	EAB	Meeting with Ms. Weintraub regarding COW and pending items.	1.80	333.00
10/18/2006	EAB	Attention to pooper scooper law; attention to and drafted outline of zoning procedures ordinance; telephone conference with Ms. Weintraub regarding COW meeting (zoning items) and zoning code; finalized Hemisphere Resolution; and meeting with Ms. Weintraub and Mr. Nunez on two new zoning related items.	3.40	629.00
10/20/2006	EAB	Telephone conference with resident regarding Palmer Trinity and application of Jennings Rule.	0.30	55.50
10/23/2006	EAB	Coordinated LDC meetings; and telephone conference with Mr. Nunez on pending items.	0.40	74.00
10/24/2006	EAB	Scheduled Goodwill meeting with Bilzin firm; and email/telephone conferences with Goodwill representative.	0.30	55.50
10/25/2006	EAB	Attention to Goodwill matter.	0.30	55.50
				4,847.00
			Total Professional Services	4,847.00

Rate Summary

Eve A. Boutsis	26.20 hours at \$185.00/hr	4,847.00
	Total hours: 26.20	4,847.00

10/27/2006 Disbursements incurred - 2.0% 96.94

Payments and Credits

10/20/2006	Check No.: 5223	7,680.09
10/20/2006	Check No.: 5223	1,924.74
10/30/2006	Check No.: 5253	4,132.53
		13,737.36

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For Professional Services	4,847.00
For Disbursements Incurred	96.94
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Current Balance:	4,943.94
Previous Balance:	13,737.36
Payments - Thank you	13,737.36
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Total Due	4,943.94

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

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

18001 Old Cutler Road, Suite 556 Miami, Florida 33157
Telephone: (305) 854-5353 Facsimile: (305) 854-5351

Eugene P. Flinn, Jr.
Village of Palmetto Bay
8950 SW 152nd Street
Palmetto Bay, Florida 33157

October 27, 2006
Matter ID: 0293-004
Code Enforcement
Invoice Number 18707

			Hours	Amount
10/4/2006	EAB	Conference with Ms. Joanna Tyka regarding sidewalk issue; and began legal research regarding same.	0.60	111.00
10/11/2006	EAB	Attention to Dawn Thomas permitting issue; and analyzed state licensure laws relating to group homes and local licensing requirements; provided update to code enforcement regarding same.	1.20	222.00
10/12/2006	EAB	Attention to sign related issue.	0.30	55.50
10/17/2006	EAB	Prepared for and attended pre-hearing and hearings on code enforcement violations.	2.00	370.00
10/18/2006	EAB	Attention to Tyka matter; and drafted letter to Ms. Tyka.	0.40	74.00
10/19/2006	EAB	Attention to Williams code enforcement matter; and telephone conference with Mr. Allen Krischer regarding same.	0.20	37.00
10/20/2006	EAB	Telephone conference with Mr. Allen Krischer of Holland & Knight regarding Williams property.	0.20	37.00
10/24/2006	EAB	Meeting with Mr. White	0.30	55.50
10/25/2006	EAB	Attention to code enforcement matter and probate file.	0.30	55.50
10/25/2006	SS	Received assignment from Ms. Boutsis; performed internet search for possible probate case involving Raymond Bolger; relayed search results.	0.10	6.50
			Total Professional Services	1,024.00

Rate Summary

Eve A. Boutsis	5.50 hours at \$185.00/hr	1,017.50
Susan Snavelly	0.10 hours at \$ 65.00/hr	6.50

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	Total hours: <u>5.60</u>	<u>1,024.00</u>
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10/27/2006	Disbursements incurred - 2.0%	20.48
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Payments and Credits

10/20/2006	Check No.: 5223	1,830.39
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10/20/2006	Check No.: 5223	660.45
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10/30/2006	Check No.: 5253	1,698.30
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	<u>4,189.14</u>
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For Professional Services	1,024.00
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For Disbursements Incurred	20.48
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Current Balance:	<u>1,044.48</u>
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Previous Balance:	4,189.14
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Payments - Thank you	4,189.14
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Total Due	<u>1,044.48</u>
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To be properly credited, please indicate Invoice Number on your remittance check.

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

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Telephone: (305) 854-5353 Facsimile: (305) 854-5351

Eugene P. Flinn, Jr.
Village of Palmetto Bay
8950 SW 152nd Street
Palmetto Bay, Florida 33157

October 27, 2006
Matter ID: 0293-009
Palmetto Bay Foundation, Inc.
Invoice Number 18708

			Hours	Amount
10/3/2006	EAB	Attention to and finalize nonprofit filings.	2.00	370.00
10/5/2006	EAB	Finalized nonprofit application and POA.	1.00	185.00
				<hr/>
			Total Professional Services	555.00

Rate Summary

Eve A. Boutsis	3.00 hours at \$185.00/hr	555.00
	<hr/>	<hr/>
Total hours:	3.00	555.00

10/27/2006	Disbursements incurred - 2.0%	11.10
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Payments and Credits

10/30/2006	Check No.: 003	56.61
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		56.61

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.

For Professional Services	555.00
For Disbursements Incurred	11.10
Current Balance:	<u>566.10</u>
Previous Balance:	56.61
Payments - Thank you	56.61
Total Due	<u>566.10</u>

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