

RESOLUTION NO. 05-81

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 \$16,768.04; 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 September 27, 2005, in the amount of \$16,768.04; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

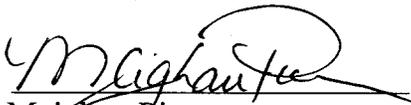
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

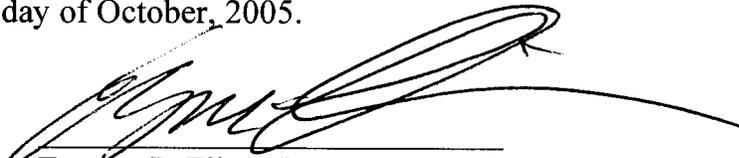
Section 1. The statements for attorneys' fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$16,768.04, copies of which are attached, are approved for payment.

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

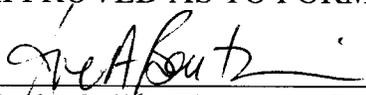
PASSED and ADOPTED this 5th day of October, 2005.

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

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>

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

*Attorneys & Counselors*

18001 Old Cutler Road – Suite 556  
Telephone: (305) 854-5353 Miami, Florida 33157-6416 Facsimile: (305) 854-5351

September 29, 2005

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 September 27, 2005. The amounts due are as follows:

0293-001	Non-Retainer Legal Services <i>Statement No. 17873 dated 9/27/05</i>	Prof'l Services	\$	14,596.50
		Disbursements		360.02
		Total		14,956.52
0293-002	Zoning Applications <i>Statement No. 17874 dated 9/27/05</i>	Prof'l Services	\$	573.50
		Disbursements		11.47
		Total		584.97
0293-004	Code Enforcement <i>Statement No. 17875 dated 9/27/05</i>	Prof'l Services	\$	1,202.50
		Disbursements		24.05
		Total		1,226.55
	<b>TOTAL CURRENTLY DUE</b>		\$	16,768.04

Letter to Charles D. Scurr, Village Manager  
September 29, 2005  
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, appearing to read "Eve A. Boutsis". The signature is written in a cursive, flowing style.

Eve A. Boutsis,  
Office of the Village Attorney

EAB/blr

Enclosures

cc: Mayor and Village Council

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

*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

September 27, 2005  
Matter ID: 0293-001  
General Municipal  
Invoice Number 17873

			Hours	Amount
9/1/2005	LRF	Conference with Ms. Eve A. Boutsis regarding ad valorem tax questions.	0.50	92.50
9/1/2005	EAB	Attention to emergency ordinance revisions; drafting contracts for drainage services; and code enforcement related item.	0.50	92.50
9/1/2005	EAB	Legal research on ad valorem taxes.	2.00	370.00
9/2/2005	CVH	Conference with Ms. Nakia Henry regarding whether she researched viability of asserting that Palmetto Bay is a regionally famous mark for purposes of a trademark dilution action, and discussed details of her research into whether a municipality can trademark its name; Westlaw research to obtain copies of cases relating to the rights of a municipality to trademark its name.	0.50	92.50
9/2/2005	EAB	Completed research on ad valorem taxation proposal; and telephone conference with mayor Flinn regarding same; and authorized final draft of emergency ordinance.	2.40	444.00
9/2/2005	NDH	Conferred with Ms. Van Horn concerning legal research on web site interloper. [.5 no charge.]	0.50	0.00
9/6/2005	CVH	Research regarding trademark infringement and trademark dilution actions, other provisions of Lanham Act suggesting possible causes of action, including false designation of origin and unfair competition relating to use of trademark; research regarding use of regional and other geographic descriptions in certification marks and collective marks. [1.10 no charge].	2.10	388.50
9/6/2005	LRF	Conference with Ms. Boutsis regarding South Florida Regional Planning Council's comments to the CDMP.	0.70	129.50
9/6/2005	EAB	Began drafting contracts to awarded respondents for stormwater services under previously issued RFP.	1.00	185.00
9/6/2005	EAB	Analyzed bond retainer agreement for bond counsel and all attachments; provided comments to Mr. Charles Scurr regarding same; attention to and analyzed SFWMD memorandum regarding CDMP; e-mail communications with Ms. Arleen Weintraub regarding same; attention to Atrio matter and affirmation of zoning	3.20	592.00

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.

		process; drafted Publix Park resolution; telephone conference with Mr. Scurr regarding same and revised resolution accordingly; and drafted email authorizing extension of existing vendor contracts due to Hurricane Katrina.		
9/7/2005	CVH	Continued research regarding trademark infringement and trademark dilution actions, requirement that dilution actions relate to "famous" mark, rights of municipalities with respect to name of municipality, collective and certification marks, and geographically descriptive marks. [2.5 no charge.]	3.90	721.50
9/7/2005	EAB	Attended meetings at village hall regarding LDC, CDMP, and zoning related issues; telephone conferences with Mr. Matt Noonkester; telephone conference with Mayor Eugene Flinn; telephone conference with Ms. Diane O'Quinn Williams; telephone conference with Mr. Scurr; attention to Publix Park contract; and analyzed SFRPC recommendation regarding CDMP.	4.30	795.50
9/8/2005	LRF	Conference with Ms. Boutsis regarding zoning question in relating to Atlantic Bank.	0.40	74.00
9/8/2005	EAB	Finalized stormwater contracts; telephone conferences with Mr. Scurr; coordinated meeting with comm'r Katie Sorenson; attention to rescheduling meeting with Publix representatives; telephone conference with counsel for Atlantic Bank regarding zoning related item.	1.00	185.00
9/9/2005	CVH	Continued research regarding the possible use of the name of a municipality in a certification or collective trademark; research to determine under what circumstances other cities have obtained trademark registrations consisting of or containing the municipality's name. [1.6 no charge.]	3.00	555.00
9/9/2005	LRF	Telephone conference with Ms. Boutsis regarding strategy for responding to South Florida Regional Planning Council's comments.	0.50	92.50
9/9/2005	EAB	Attended breakfast meeting with Mr. Scurr, Mayor Flinn and Comm'r Sorenson; traveled to and attended meeting with Mr. Bob Daniels at SFRPC; telephone conferences with Mayor Flinn and Mr. Scurr regarding SFRPC conference; and drafted detailed letter to SFRPC in anticipation of the 9/12 meeting; telephone conferences with Mr. Henry Iler and Ms. Weintraub regarding same; meeting with Mayor Flinn regarding VPB agenda items for 9/12; and telephone conferences with Mayor Flinn, Mr. Scurr, and Mr. Daniels.	8.30	1,535.50
9/10/2005	EAB	Analyzed revised SFRPC memorandum approving CDMP; and email communications with Mr. Scurr, Mr. Iler, Ms. Weintraub and village council regarding same.	0.30	55.50
9/12/2005	CVH	Reviewed secondary source research regarding Lanham Act provisions, geographically descriptive marks, certification and collective marks, and research on other possible legal theories, including unfair competition claims based on geographical designations, tortious interference claims, false designations of origin, cybersquatting, reverse domain name hijacking, deception	3.90	721.50

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		and fraudulent misrepresentation.		
9/12/2005	LRF	Conference with Ms. Boutsis regarding presentation to South Florida Regional Planning Council.	0.50	92.50
9/12/2005	LRF	Conference with Ms. Boutsis regarding matters on zoning agenda.	0.30	55.50
9/12/2005	EAB	Traveled to and from SFRPC and discussion with Ms. Weintraub regarding Village presentation to board; meeting with SFRPC staff and Mr. Iler; attended board meeting; telephone conference with mayor Flinn and Mr. Scurr regarding same; telephone conference with Mr. Scurr regarding bond execution.	4.50	832.50
9/12/2005	EAB	Analyzed zoning agenda and village council agenda; and attention to Bank Atlantic zoning matter.	0.70	129.50
9/13/2005	CVH	Completed research regarding all possible federal causes of action; reviewed background files for any additional facts that might support a federal or state claim; researched and reviewed ICANN dispute resolution policies regarding domain names. [.3 no charge.]	1.00	185.00
9/13/2005	LRF	Telephone conference with Mr. Scurr and council member John Breder regarding Village Hall.	1.00	185.00
9/13/2005	EAB	Attended luncheon meeting with Mr. Robert Meyers; attended Publix Park meeting at village hall; coordinated meetings with Ms. O'Quinn Williams regarding pending zoning items; meeting with Ms. Weintraub regarding LDC and zoning items; drafted contract for architectural and construction services related to storm water projects; and attention to village hall meetings.	5.50	1,017.50
9/14/2005	CVH	Brief research regarding possible state law causes of action for potential domain name dispute.	0.20	37.00
9/14/2005	LRF	Drafted letters to Ethics Commission regarding Village Hall.	1.70	314.50
9/14/2005	EAB	Revised draft Publix land agreement; and drafted letter to MDC Comm'r Sally Hayman.	0.40	74.00
9/14/2005	EAB	Telephone conferences with Ms. Weintraub, and Mr. Scurr regarding enterprise zone expiration; drafted resolution regarding enterprise zone; and drafted email communication to village council regarding same.	0.70	129.50
9/14/2005	EAB	Attended budget hearing.	3.00	555.00
9/15/2005	CVH	Research regarding Florida state laws which might support a cause of action, including trademark laws, unfair competition, false designation of origin and similar claims. [2.5 no charge.]	1.60	296.00
9/15/2005	SEN	Discussed with Ms. Van Horn, additional trade dress considerations in connection with the analysis of the potential for suit against mypalmettobay.com.	0.20	37.00
9/15/2005	EAB	Attended zoning meeting with Ms. Judy Miller and Ms. O'Quinn Williams; telephone conference with Ms. Weintraub regarding same; telephone conference with Atlantic Bank representatives regarding their application.	2.30	425.50

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9/16/2005	LRF	Various conferences with Ms. Boutsis regarding generalized and specialized police services and budgetary issues; and reviewed interlocal agreements with Miami-Dade County.	3.00	555.00
9/16/2005	EAB	Telephone conferences with mayor Flinn, and Mr. Scurr regarding budget; telephone conferences with Ms. Olga Cadaval regarding same; telephone conference with Ms. Pier regarding notice for budget hearing; analyzed generalized and special police services contracts and v.m. contracts and prepared memorandum to mayor Flinn regarding same; email communications with Ms. Susan Nixon of Municipal Loan Council; telephone conference with Mr. Barry Summerstein of Atlantic Bank; revised city attorney letter to Loan Council regarding same; and attention to several code enforcement related items.	4.50	832.50
9/19/2005	CVH	Research regarding other Web sites using "my" plus a municipality's name; requested from Ms. Snively, received and reviewed color print-outs of relevant Web pages for report to client; completed research on all possible causes of action. [4 no charge.]	3.90	721.50
9/21/2005	LRF	Conference with Ms. Boutsis regarding bond documents.	0.40	74.00
9/21/2005	EAB	Attention to finalizing bond documents; attention to mitigation letter and revisions thereto; telephone conference with staff regarding coordination of several items; attention to Bank Atlantic application; revisions to code enforcement NOCI; and attention to citizen complaint regarding wall.	1.30	240.50
9/22/2005	EAB	E-mail communications with Mr. Noonkester; attention to FDCA publication of NOI; and attention to pending items.	0.40	74.00
9/26/2005	EAB	Prepared for and attended budget hearing; telephone conferences with Commander Mouring, Mr. Scurr, and Mayor Flinn.	3.30	610.50
			<b>Total Professional Services</b>	<b>14,596.50</b>

**Rate Summary**

Catherine A. Van Horn	20.10 hours at \$185.00/hr	3,718.50
Luis R. Figueredo	9.00 hours at \$185.00/hr	1,665.00
Stephen E. Nagin	0.20 hours at \$185.00/hr	37.00
Eve A. Boutsis	49.60 hours at \$185.00/hr	9,176.00
Nakia D. Henry	0.50 hours at \$ 0.00/hr	0.00
<b>Total hours:</b>		<b>79.40</b>
		<b>14,596.50</b>

**Disbursements**

8/24/2005	Federal Express	11.59
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8/30/2005	Outside copy job	52.50
9/15/2005	Parking Charge	4.00
9/27/2005	Disbursements incurred - 2.0%	291.93
	For Professional Services	14,596.50
	For Disbursements Incurred	360.02
	Current Balance:	<u>14,956.52</u>
	Previous Balance:	19,686.34
	Payments - Thank you	0.00
	<b>Total Due</b>	<b><u>34,642.86</u></b>

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

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

September 27, 2005  
Matter ID: 0293-002  
Zoning Applications  
Invoice Number 17874

			Hours	Amount
9/2/2005	LRF	Conference with Ms. Eve A. Boutsis regarding OCPC.	0.40	74.00
9/2/2005	EAB	Communication with Mr. John Shubin regarding OCPC.	0.30	55.50
9/7/2005	EAB	E-mail communications with Mr. Shubin.	0.20	37.00
9/12/2005	EAB	Attention to file and e-mail communications with Mr. Shubin regarding OCPC.	0.20	37.00
9/27/2005	EAB	Attention to OCPC matter; telephone conferences with Mr. Charles Scurr and Mayor Eugene Flinn; and e-mail communications with Mr. John Shubin regarding same; and conference with Mr. Luis R. Figueredo regarding same.	1.50	277.50
9/27/2005	EAB	Telephone conference with Mr. Scurr; telephone conference with Mr. Shubin regarding OCPC; and telephone conference with Mayor Flinn regarding same.	0.50	92.50
				<hr/>
			Total Professional Services	573.50

## Rate Summary

Luis R. Figueredo	0.40 hours at \$185.00/hr	74.00
Eve A. Boutsis	2.70 hours at \$185.00/hr	499.50
	<hr/>	<hr/>
Total hours:	3.10	573.50

9/27/2005 Disbursements incurred - 2.0% 11.47

## Payments and Credits

7/26/2005 Check No. 3406 3,555.08

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	<u>3,555.08</u>
For Professional Services	573.50
For Disbursements Incurred	11.47
Current Balance:	<u>584.97</u>
Previous Balance:	3,555.08
Payments - Thank you	3,555.08
	<u>584.97</u>
<b>Total Due</b>	<b>584.97</b>

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

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

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

September 27, 2005  
Matter ID: 0293-004  
Code Enforcement  
Invoice Number 17875

			Hours	Amount
9/1/2005	NDH	Telephone conference with Mr. Eli Gutierrez on two separate occasions re: his pending cases; e-mailed Ms. Eve A. Boutsis re: the same; briefly conferred with Ms. Boutsis.	0.60	111.00
9/6/2005	NDH	Left message with Officer Alan White re: the Kabick property and its current status of compliance.	0.20	37.00
9/14/2005	NDH	Received e-mail from Ms. Arleen Weintraub re: the Kabick property and Ms. Kabick's non-compliance; responded to the same e-mail; reviewed settlement agreement; briefly conferred with Mr. Luis Carcamco re: the same; conferred with Mr. Borrell's assistant re: Kabick's non-compliance.	1.20	222.00
9/14/2005	NDH	Briefly conferred with Mr. Carcamco re: the revised code compliance brief; forwarded him the same.	0.30	55.50
9/15/2005	EAB	Attention to Kabick matter.	0.20	37.00
9/15/2005	NDH	Received and reviewed voicemail from Special Master Richard Doody re: Kabick property; sent e-mails to Ms. Boutsis for her review re: the same; conferred with Special Master Doody re: the same; conferred and e-mailed with Mr. Carcamco re: the same; conferred with Mr. Carcamco re: the case brief and re-inspections.	1.60	296.00
9/19/2005	NDH	Meeting with code compliance officer to review case briefs and procedure, briefly conferred with Ms. Pinedo re: cancellations of upcoming meetings; called Mr. Borell's office re: upcoming meeting; conferred with and e-mailed Mr. Borell re: the same.	2.40	444.00
			<b>Total Professional Services</b>	<b>1,202.50</b>

## Rate Summary

Eve A. Boutsis	0.20 hours at \$185.00/hr	37.00
Nakia D. Henry	6.30 hours at \$185.00/hr	1,165.50

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	Total hours:	<u>6.50</u>	<u>1,202.50</u>
9/27/2005	Disbursements incurred - 2.0%		24.05
	For Professional Services		1,202.50
	For Disbursements Incurred		24.05
	Current Balance:		<u>1,226.55</u>
	Previous Balance:		6,078.84
	Payments - Thank you		0.00
		<b>Total Due</b>	<u><b>7,305.39</b></u>

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