



VILLAGE OF KEY BISCAYNE

Office of the Village Manager

Village Council

Robert L. Vernon, *Mayor*
Jorge E. Mendia, *Vice Mayor*
Michael Davey
Enrique Garcia
Steve Liedman
Thomas Thornton
Patricia Weinman

Village Manager

Genaro "Chip" Iglesias

DATE: February 26, 2008

TO: Honorable Mayor and Members of the Village Council

FROM: Genaro "Chip" Iglesias, Village Manager 

RE: Coastal Systems International – Marine Turtle Protection Ordinance

RECOMMENDATION

It is recommended that the Village Council approves the work authorization submitted by Coastal Systems International for engineering and technical assistance on the marine turtle protection ordinance.

The total fees and services shall not exceed \$20,000.00. Funding will be obtained from the capital outlay beach renourishment line item.

BACKGROUND

Coastal Systems International has been previously retained by the Village in connection with services needed for the beach renourishment projects. It would be in the best interest of the Village to utilize Coastal Systems International for the preparation and adoption of the ordinance.

On January 15, 2008, the first reading of the marine turtle ordinance took place. The purpose of this ordinance is to reduce the impacts of artificial lighting on threatened and endangered sea turtles that nest on our beach. It will enable the Village to regulate and enforce regulations in order to protect nesting turtles and their off springs.

cc: Randy White, Village Finance Director
David M. Wolpin, Esq., Village Attorney

RESOLUTION NO. 2008-

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE FURTHER PROCUREMENT OF ENGINEERING SERVICES FOR THE VILLAGE OF KEY BISCAYNE, FROM THE FIRM OF COASTAL SYSTEMS INTERNATIONAL, INC.; PROVIDING FOR APPROVAL OF WORK AUTHORIZATION CONCERNING ENGINEERING AND TECHNICAL ASSISTANCE ON MARINE TURTLE PROTECTION ORDINANCE, AS AMENDMENT OF EXISTING CONTRACT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, pursuant to contractual agreement previously entered into between the Village of Key Biscayne and Coastal Systems International, Inc. (the “Engineer”), the Engineer has previously been retained by the Village in connection with services needed for the Village of Key Biscayne Beach Renourishment Projects; and

WHEREAS, the Village Council finds that it is in the best interest of the Village to utilize the Engineer for the purpose of providing engineering and technical assistance to the Village concerning the preparation and adoption of a Marine Turtle Protection ordinance, as may be necessary to facilitate future beach renourishment activities of the Village, in accordance with the attached Work Authorization and with the Village Manager’s memorandum which accompanies this Resolution.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the recitals stated above is hereby adopted and confirmed.

Section 2. Work Authorized, Specification of Funds.

A. That pursuant to the existing continuing contract between the Engineer and the

Village, the performance of additional engineering and technical services pertaining to the above-described Marine Turtle Protection ordinance, is hereby authorized, subject to the funding source and any limitations set forth in the above-referenced Village Manager's memorandum.

B. That the total fees and costs for the services authorized pursuant to the Work Authorization shall not exceed Twenty Thousand (\$20,000) Dollars, in the absence of further Council authorization.

Section 3. Agreement Approved. That the Village Manager is hereby authorized to execute the Work Authorization in substantially the form attached hereto, for the engineering work authorized hereunder between the Village and the Engineer, once approved by the Village Attorney as to form and legal sufficiency._

Section 4. Implementation. That the Village Manager is hereby authorized to take any necessary action to implement the purposes of this Resolution and the Work Authorization.

Section 5. Effective Date. That this Resolution shall be effective immediately upon adoption hereof.

PASSED AND ADOPTED this 4th day of March, 2008

MAYOR ROBERT L. VERNON

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY



COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway • Coral Gables, Florida 33146
Tel: 305-661-3655 • Fax: 305-661-1914
www.coastalsystemsint.com

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January 29, 2008

Mr. Armando Nunez
Public Works Director
VILLAGE OF KEY BISCAYNE
88 West McIntyre Street
Key Biscayne, Florida 33149

RE: MARINE TURTLE PROTECTION CONSULTING SERVICES FOR THE VILLAGE OF KEY BISCAYNE, MIAMI-DADE COUNTY, FLORIDA

Dear Mr. Nunez:

Coastal Systems International, Inc. (Coastal Systems) is pleased to present this proposal for consulting services to assist with Village of Key Biscayne (Village) development of a lighting ordinance for marine turtle protection in accordance with state-approved Comprehensive plan requirements and Florida Fish and Wildlife Conservation Commission (FWC) guidelines. The following parts describe the scope of work to be performed by Coastal Systems and present the terms of agreement between Coastal Systems and the Village:

PART 30 – LIGHTING ORDINANCE DEVELOPMENT

Coastal Systems will work with the Village to develop a draft Marine Turtle Protection Ordinance (Ordinance), based on the FWC Model Lighting Ordinance (Ch. 62B-55, F.A.C.) and more recent technical direction from FWC staff, other South Florida local lighting ordinances for marine turtle protection, and the Village's unique needs.

Coastal Systems will review marine turtle nesting data, conduct discussions with FWC staff and the local marine turtle permit holder, review draft Ordinance language, and provide related tasks to assist in facilitating development of an Ordinance to be submitted to the FWC for comment and the Village Council for approval.

Coastal Systems will prepare a matrix of important issues with reference to alternative criteria provided in other approved South Florida local lighting ordinances for use by the Village in reviewing the draft ordinance. It is our understanding that initial Village-specific areas of concern include:

- General code enforcement procedures and resources
- Retrofit provisions, including standards and timeframe for implementation of the new standards, relative to existing private and public properties

These documents will be reviewed in a meeting with the Village attorney and staff.

Coastal Systems will subsequently prepare for and attend a public workshop (to be scheduled and advertised by the Village), giving a presentation that will include a general introduction to the protection provided to marine turtles under the federal and state Endangered Species Acts, turtle nesting trends in the Village, and the framework for and specific highlights of the draft Ordinance. Coastal Systems will respond to public questions that are technical in nature and note comments.

Coastal Systems will coordinate with the Village attorney and staff to update the draft Ordinance based on public comments and continued dialogue with FWC staff, as appropriate. If necessary, Coastal Systems will participate in a second public workshop to present the revised draft Ordinance. Coastal Systems will additionally participate in one (1) Village Council meeting for reading of the proposed Ordinance; this meeting is anticipated to take place on March 4, 2008. It is expected that the Village attorney will provide background information regarding the Village's required compliance with the state-approved Comprehensive Plan that references said Ordinance, and respond to questions regarding legal jurisdiction and procedure during the above-referenced meetings.

Additional scope and budget may be required and approved by the Village, as appropriate.

Fees for Part 30 services are Hourly, estimated at\$20,000.00

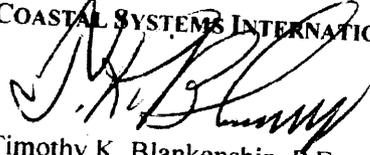
GENERAL

This fee proposal is valid for sixty (60) days. These services will be provided as an addendum to Coastal Systems' agreement dated August 1, 2006. Coastal Systems is not responsible for circumstances beyond our immediate control, including but not limited to, rule or legal interpretation changes, Client or agency staff delays, additional public or Village comments, additional coordination with state agencies, litigation or other legal actions.

We look forward to working with the Village toward implementation of a marine turtle protection Ordinance. Please return an executed copy of this addendum, which will serve as our Authorization to Proceed.

Should you have any questions, please do not hesitate to contact Adrian Lyew-Ayee, Environmental/Permitting Project Manager, at 305-669-9728 or alyew-ayee@coastalsystemsint.com, or me at 305-669-8650 or tblankenship@coastalsystemsint.com.

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Mr. Armando Nunez
January 29, 2008
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Sincerely,
COASTAL SYSTEMS INTERNATIONAL, INC.

Timothy K. Blankenship, P.E.
Director

SIGNED: _____ DATE: _____
VILLAGE OF KEY BISCAYNE

PRINT: _____
Name Title

TKB:mr