

RESOLUTION NO. 2006 – 068

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA AUTHORIZING MILLER LEGG & ASSOCIATES, INC. ("MILLER LEGG"), UNDER ITS EXISTING AGREEMENT, TO PROVIDE A PROJECT SPECIFIC SERVICE RELATING TO THE WETLAND MITIGATION PROGRAM PHASE II, BUNDLE I; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO A SUPPLEMENTAL AGREEMENT TO OBTAIN THESE SERVICES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 9, 2006, pursuant to Resolution 2005-023, the Town Council approved an Agreement with Miller Legg & Associate, Inc. ("Miller Legg") to provide Town Environmental Services; and

WHEREAS, the Town Council wishes to authorize Miller Legg to perform a project specific service, as delineated in "Exhibit A", relating to the Wetland Mitigation Program Phase II, Bundle I; and

WHEREAS, it is in the best interest of the Town to authorize Miller Legg to perform this project specific service.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1. The above referenced recitals are true and correct and are incorporated herein by reference.

Section 2. The Town Council hereby authorizes Miller Legg & Associates, Inc., under its existing Agreement, to perform a project specific service, as specifically delineated in Exhibit "A", relating to the Wetland Mitigation Program Phase II, Bundle I, in the amount not to exceed \$70,000.00. The project is estimated to cost \$54,500.00.

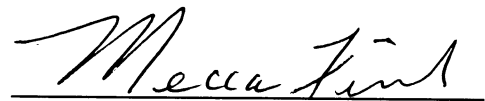
Section 3. The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into a supplemental agreement, in substantially the same form as that attached hereto as Exhibit "A", and to make such modifications, additions and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

Section 4. That this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 8th day of June 2006, on a motion by Council Member Jeff Nelson and seconded by Council Member Aster Knight.

Fink	<u>Y</u>
Maines	<u>Y</u>
Blanton	<u>Y</u>
Knight	<u>Y</u>
Nelson	<u>Y</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>



Mecca Fink, Mayor

ATTEST:


Susan A. Owens, Town Clerk

Approved as to Form and Correctness:

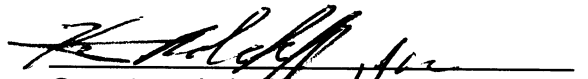

Gary A. Poliakov, J.D. Town Attorney
FTL_DB: 985972_1

Exhibit 'A' -
Scope of Services

MILLER  LEGG

May 22, 2006

Mr. John Canada
Town Administrator
Town of Southwest Ranches
6589 Southwest 160 Avenue
Southwest Ranches, Florida 33331

RE: Town of Southwest Ranches
Wetland Mitigation Program Phase II – Bundle I
Public/Private Partnership Program Project
ML Proposal No. 05-P6522 (Revised)



Dear Mr. Canada:

We appreciate the opportunity to assist the Town of Southwest Ranches with your proposed wetland mitigation program. As the Town's Environmental Consultant, we are committed to helping the Town achieve their vision. We feel Miller Legg is uniquely qualified for this effort for the following reasons:

- a) We have successfully brought to fruition several wetland projects that involved innovative funding strategies.
- b) We can provide the services requested by the Town in-house.
- c) We are familiar with potential users/partners either directly or through our relationships with other environmental consultants.
- d) We are familiar with the Town's vision. We assisted the Town's Consultant with the preparation of the Florida Communities Trust (FCT) grant applications which later received funding.
- e) We also reviewed the five sets of permit documents that are currently available for public review at Town Hall.

As you are aware our proposed Project Manager, Mark Clark, previously discussed the above public-private partnership concept with the Town on numerous occasions. Additionally, Mr. Clark has provided a tour of several "in-ground" wetland mitigation sites to Town representatives highlighting "a" prior to this request for proposal.

Per the above and our attached revised scope of services, we feel Miller Legg is uniquely suited for this project and look forward to working with you.

Sincerely,

Michael D. Kroll, RLA
Vice President

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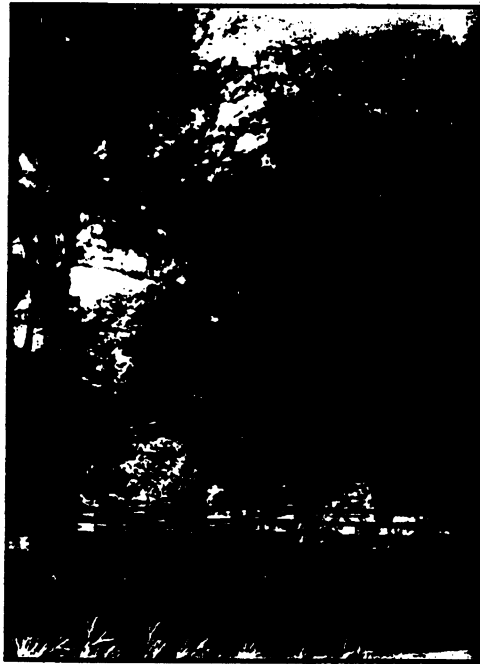
South Florida Office: 1800 N Douglas Road · Suite 200 · Pembroke Pines, Florida · 33024-3200
(954) 436-7000 · Fax: (954) 436-8664
www.millerlegg.com

**Proposal Response for
Town of Southwest Ranches
Wetland Mitigation Program Phase II – Bundle I
Public/Private Partnership Program Project**

This Project is generally described as assisting the Town of Southwest Ranches identify potential partners interested in constructing those freshwater wetlands proposed at the Town of Southwest Ranches' five parks. The Town's five parks are: Rolling Oaks, Frontier Trails, Southwest Meadows Sanctuary, Calusa Corners, and Country Estates "Fishing Hole".

Per our understanding of the project and the revisions to the original scope of services submitted on May 9, 2006, and as discussed at our meeting on May 18, 2006, the scope of services described below is based upon the following:

- The agencies with potential jurisdiction for this project include U.S. Army Corps of Engineers (USACOE), South Florida Water Management District (SFWMD), and the Broward County's Environmental Protection Department (EPD).
- Consultant will not redesign or modify the parks' existing permits and/or licenses for the wetland mitigation projects unless requested by the Town. If needed, those services can be provided as an additional service.
- Our understanding of the project is the Town's interest to expand and/or facilitate the existing wetland mitigation partnership program associated with local nursery growers and facilitated by others.
- While the Town anticipates reimbursement of Consultant fees as a function of this proposed program, payment for Consultant services is not dependant upon the success of this program and/or partner and are subject to the terms of our existing agreement with the Town.
- The proposed mitigation partnership conforms to the parks' FCT grant and management plan requirements as well as acceptable to applicable regulatory agencies.
- Environmental services associated with evaluation of a proposed off-site location and/or partner impact location is not included, but can be provided as an additional service, if needed.



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- Upland tree permitting, if required, will be subject to Broward County EPD criteria. Payment of upland tree permit fees and/or mitigation fees will be paid directly by the Town.
 - Per our understanding of the project, the Town is aware that potential outside parties may be public municipalities and/or private entities with projects/wetland impacts occurring outside the Town's municipal boundaries.
 - The Town is aware that perpetual maintenance of any constructed wetlands will be the responsibility of the Town.
 - The intent of this project is to identify specific offsite users/partners and thereby avoid review of the mitigation efforts by the Mitigation Bank Review Team (MBRT). The Consultant is aware the Town does not want to create a mitigation bank.
 - Completion date for this scope of services is anticipated to be September 29, 2006. Construction assistance services are not included in this scope, but can be provided as an additional service.
 - The Town is aware they may be required to be a co-applicant on the partner's permit application(s). The co-application is only related to the mitigation proposed within the Town's parks.
 - Completion of permitting for the five parks will be completed by the Town. Consultant can assist the Town complete the environmental permitting associated with the parks as an additional service, if required.

To complete the scope of services, the following information must be provided by the Town of Southwest Ranches:

- Proposed site plans for each of the Town's five parks as well as other information pertinent to this scope of services.
- Unrestricted access to the five parks will be provided to the Consultant.
- Regulatory agency review fees and/or permit modification fees will be paid directly by the Town.
- Copies of the park permits and wetland mitigation designs in hard copy and electronic format. This information must be available for distribution to potential mitigation partners for inclusion in their independent permit application packages. The Town will coordinate and secure free access to those documents as well as other pertinent documents related to this project.

The scope of services to be provided by Consultant is based upon the information contained in the Town's revised Scope of Work for the above project. Our scope of basic services is:



Task 1: Development of the Wetland Mitigation Partnership Approach – Consultant shall assist the Town/Capital Improvements Team (CPT) develop an approach to facilitate a partnership between the Town and outside parties to fund and construct the proposed wetland mitigation pursuant to the design provided by the Town. The proposed wetland creation/restoration efforts will be used to offset wetland impacts associated with those parties off-site projects. The proposed mitigation will not be used to offset wetland impacts incurred by the Town. The deliverable associated with this approach is anticipated to be a one-two page outline of the tasks involved. Up to two meetings with the Town and/or CPT are included in this task.

Coordination with the Town and CPT will occur throughout this task. The approach will be submitted for approval to the Town/ CPT.

Task 2: Develop Partnership Coordination/Negotiation Methodology – Consultant shall develop a sequential methodology to facilitate contact, evaluation, and negotiation of potential mitigation partners. The Consultant will develop an overall flow diagram outlining the milestone events associated with a typical contact, evaluation, and negotiating process. This diagram will serve as the template to evaluate each potential partner. We feel this task will serve to screen potential partners by providing sufficient information for the Town/CPT to knowledgeably decide which partner(s) provides the "best fit" for the Town's criteria/restrictions. Included in this overall flow diagram is coordination with EPD, SFWMD, and the USACOE concerning the applicability of the Town's projects' to a partner's impact. This task also includes coordination with those agencies concerning acceptance of the overall mitigation partner concept. The deliverable for this task will be one draft and one final overall flow diagram with associated narrative description. Up to two meetings with the Town and/or CPT are included in this task. It is anticipated that Tasks 2 and 6 will overlap. Meetings with potential mitigation partners are included in Task 6. Up to five (5) potential mitigation partners will be identified based on input from the Town, Consultant, and regulatory agencies.

The Consultant will present this methodology to the Town, CPT, EPD, SFWMD, and the USACOE for approval.

Task 3: Develop Review/Evaluation Plan – Consultant shall develop a review/evaluation plan related to schedule, cost, risk, and efficient use of Town resources. Consultant shall evaluate the benefit of combining mitigation within park sites under one partner, three partners, or five partners, for example. The deliverable for this task is anticipated to be a one to three page summary of the three review scenarios. Interviews with potential mitigation partners will occur under Task 6. Up to two meetings with the Town and/or CPT are included in this task.

This plan will be presented to the Town/CPT for approval.

Task 4: Existing Permit Review – Consultant shall review the existing permits and proposed work and evaluate those additional permits needed to proceed with the wetland mitigation project (NPDES, tree permits, for example). Any additional permits will be obtained by the potential mitigation partner (at their



cost). This information will be submitted by the Consultant to the Town/CPT prior to the Town executing a mitigation agreement with a preferred mitigation partner.

Consultant will also advise the Town if inconsistencies exist between the existing permits and the proposed plans. The deliverable for this task is anticipated to be a one to two page summary.

Task 5: Develop/Update Construction Cost Estimates and Project Schedules – Consultant, at the request of the Town/CPT, shall update the existing construction cost estimates for development of the wetland mitigation sites only. Up to two cost estimate updates per site are included in this scope of services. Consultant will also update the project schedule to reflect key project milestones. Up to two (2) meetings with the Town and/or CPT are included in this task as well as up to five (5) site specific meetings (1 per site).

Consultant will also evaluate the overall feasibility of requiring potential partners to construct additional facilities within each applicable site. Cost comparison between the Town's parks and existing mitigation banks may not directly correlate as the parks are based on cost/acre and a bank is based on cost/credit.

This information will be presented for approval by the Town/CPT.

Task 6: Recommendation and Development of Partnership Agreement – Per the results of Tasks 1-5, the Consultant shall attempt to consolidate the number of partners and make a recommendation to the Town/CPT as to which partner(s) provides the "best fit". Interviews with potential wetland partners are included in this task. Representatives of the Town, CPT, and Consultant are required to attend these interviews. The location of these interviews will be at the Town of Southwest Ranches Town Hall/Administrative Building. The deliverable for this task will be the Consultant's recommendation of a preferred wetland mitigation partner pursuant to the results of Tasks 1-5 and the interview process. This recommendation is anticipated to be contained within a two to four page summary. Up to five (5) meetings with potential mitigation partners are included in this Task.

Consultant will also assist the Town/CPT develop the partnership agreement to be executed by the Town and the selected mitigation partner(s). Attorney fees and/or reviews associated with this task will be the responsibility of the Town. Up to two additional meetings with the Town and/or CPT are included in this task.

Reimbursable Expenses – Consultant shall be paid a lump sum fee of \$1,700 for reimbursable expenses. This fee is for customary costs (color copies, Federal Express, etc.), travel only in the tri-county region and excludes subconsultants. This fee may be increased in the event Client authorizes additional services.



**Fee Proposal for
Town of Southwest Ranches
Wetland Mitigation Program Phase II – Bundle I
Public/Private Partnership Program Project**

FEE SUMMARY					
TASK NUMBER	TASK	LUMP SUM FEE	HOURLY NTE FEE	HOURLY	MAXIMUM FEE
Task 1	Development of the Wetland Mitigation Partnership Approach	\$4,200.00	\$0.00		\$ 4,200.00
Task 2	Develop Partnership Coordination/Negotiation Methodology	\$6,500.00	\$0.00		\$ 6,500.00
Task 3	Develop Review/Evaluation Plan	\$5,400.00	\$0.00		\$ 5,400.00
Task 4	Existing Permit Review	\$3,000.00	\$0.00		\$ 3,000.00
Task 5	Develop/Update Construction Cost Estimates and Project Schedules	\$15,200.00	\$0.00		\$15,200.00
Task 6	Recommendation and Development of Partnership Agreement	\$18,500.00	\$0.00		\$18,500.00
	Reimbursable Expenses	\$1,700.00	\$0.00		\$1,700.00
TOTAL FEE		\$54,500.00	\$ 0.00		\$54,500.00



SOUTHWEST RANCHES WETLAND MITIGATION PROGRAM SCHEDULE

ID	Task Name	Start	Finish	Jun '06	Jul '06	Aug '06	Sep '06
1	Develop Mitigation Partner Approach	Thu 6/1/06	Fri 6/16/06				
2	Develop Partner Coordination/Negotiation Method	Thu 6/22/06	Fri 6/30/06				
3	Develop Review/Evaluation Plan	Fri 6/30/06	Mon 7/31/06				
4	Existing Permit/Plans Review	Thu 6/1/06	Fri 6/16/06				
5	Develop/Update Construction Cost Estimate	Tue 8/1/06	Fri 9/29/06				
6	Recommend/Develop Partner Agreement	Fri 6/30/06	Fri 9/29/06				

Task
Split
Progress

Milestone
Summary
Project Summary

External Tasks
External Milestone
Deadline

Project: SWR Wetland Mitigation Proc
Date: Mon 5/22/06