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## South Florida Water Management District

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### GOVERNING BOARD MONTHLY MEETING AGENDA

*This meeting is open to the public*

February 14, 2013

9:00 AM

Greater Orlando Aviation Authority

Carl T. Langford Board Room

One Jeff Fuqua Boulevard, Orlando, FL 32827

FINAL

*Pursuant to Section 373.079(7), Florida Statutes, all or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.*

*The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer. Public Comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.*

1. Call to Order - Joe Collins, Chairman, Governing Board
2. Pledge of Allegiance - Joe Collins, Chairman, Governing Board
3. Recognition of Local Officials - Presented by Daniel O'Keefe, Governing Board Member
4. Welcome and Presentation by Greater Orlando Aviation Authority - Phil Brown, Executive Director, Greater Orlando Aviation Authority
5. Employee Recognitions - Presented by Melissa Meeker, Executive Director  
- 25 Years of Service: Shawn Spry, Industrial Electrician, St. Cloud Field Station, Operations, Maintenance and Construction Division

- 30 Years of Service: Donald Ostrander, Industrial Electrician, St. Cloud Field Station, Operations, Maintenance and Construction Division
6. Agenda Revisions - Reagan Walker, Director, Office of Governing Board & Executive Services
  7. Abstentions by Board Members from Items on the Agenda
  8. Water Resources Advisory Commission (WRAC) Report - Kevin Powers, Chair

## **Consent Agenda**

*Members of the public wishing to address the Governing Board are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chair or designee to speak. If you want to request that an item be removed from the Consent Agenda and be discussed by the Governing Board, please advise the Governing Board when you are called upon to speak. Governing Board directives limit comments from the public to 3 minutes unless otherwise determined by the Governing Board Chair. Your comments will be considered by the Governing Board prior to adoption of the Consent Agenda.*

*Unless otherwise determined by the Chair, Board action on pulled Consent Agenda items will occur at or after 9:00 a.m. on Thursday. Regulatory items pulled from the Consent Agenda for discussion will be heard during the Discussion Agenda. **Unless otherwise noted, all Consent Agenda items are recommended for approval.***

9. Public Comment on Consent Agenda
  10. Pull Items for Discussion from Consent Agenda
  11. Board Comment on Consent Agenda
- Consent Items
12. Minutes for the January 10, 2013, Regular Business meeting held in West Palm Beach, Florida
  13. Permit Denials, Consent Orders, Conservation Easement Amendments and Releases, Water Use Variances and Seminole Tribe Work Plans (REG, Sharon Trost, ext. 6814)
  14. Right of Way Occupancy Permit Modifications (OMC, Tommy Strowd, ext. 6998)
  15. Waivers for Water Resources Advisory Commission (WRAC) Members pursuant to Section 112.313, Florida Statutes
  16. Enter into an order authorizing the withdrawal and use of surface water from the C-17 Canal by the City of West Palm Beach (REG, Maria Clemente, ext. 2308)
  17. Enter into an order authorizing the withdrawal and use of surface water from the C-51 Canal by the City of West Palm Beach (REG, Maria Clemente, ext. 2308)

18. **Resolution No. 2013 - 0201** A Resolution of the Governing Board of the South Florida Water Management District approving an amendment of the 2012 Regulatory Plan to include revisions to Rules regarding public access and use of District lands, and the Small Business Enterprise Contracting Program, and authorizing staff to submit the amended 2012 Regulatory Plan to the Office of Fiscal Accountability and Regulatory Reform, in accordance with Executive Order 11-211, and to the Speaker of the House, President of the Senate and Joint Administrative Procedures Committee, in accordance with Section 120.74(3), Florida Statutes; effective immediately. (OC, Frank Mendez, ext. 6260)
19. **Resolution No. 2013 - 0202** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District's FY2012-2013 budget totaling \$296,304 for the Corbett Levee Project; providing an effective date. (ADM, Doug Bergstrom, ext. 6214)
20. **Resolution No. 2013 - 0203** A Resolution of the Governing Board of the South Florida Water Management District adopting the FY2013 Five-Year Capital Improvements Plan; providing an effective date. (ADM, Doug Bergstrom, ext. 6214)
21. **Resolution No. 2013 - 0204** A Resolution of the Governing Board of the South Florida Water Management District authorizing the recording of the Disposition of Fixed Assets, during FY2012; providing an effective date. (ADM, Chris Flierl, ext. 6078)
22. **Resolution No. 2013 - 0205** A Resolution of the Governing Board of the South Florida Water Management District approving release of District canal, road and mineral reservations, and release of Trustees of the Internal Improvement Trust Fund canal reservations; providing an effective date. (OMC, Kathy Massey, ext. 6835)
23. **Resolution No. 2013 - 0206** A Resolution of the Governing Board of the South Florida Water Management to authorize entering into a three-year contract with two (2) one-year renewal options with YSI Incorporated, the lowest responsive and responsible bidder, for Datalogger Recorder Maintenance Services at ground water and surface water monitoring sites in the central and northern region of the District in an amount not to exceed \$892,800 for which \$162,200 in ad valorem funds are budgeted; and the remainder is subject to Governing Board approval of the FY14-FY17 budgets; providing an effective date. (OMC, Garnett Ritchie, ext. 4616)
24. **Resolution No. 2013 - 0207** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three-year contract with two (2) one-year renewal options with Toler Enterprises, Inc., the lowest responsive and responsible bidder for slope mowing services in the West Palm Beach Field Station area, in the amount of \$182,700 for three years, of which \$60,900 in ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY14 and FY15 budgets; providing an effective date. (OMC, Mark Hubinger, ext. 4132)

25. **Resolution No. 2013 - 0208** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three-year contract with two (2) one-year renewal options with Toler Enterprises, Inc., the lowest responsive and responsible bidder, for Slope Mowing Services in the Miami Field Station area, in the amount of \$263,854.80 for three years, of which \$87,951.60 in ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY14 and FY15 budgets; providing an effective date. (OMC, Christopher Miranda, ext. 7014)
26. Board Vote on Consent Agenda
27. General Public Comment

## **Workshop**

28. Technical Reports
  - A) Water Conditions Report - Tommy Strowd, Division Director, Operations, Maintenance & Construction Division (ext. 6998)
  - B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources Division (ext. 6952)
29. Lake Point Public Works Project Update – Tommy Strowd, Division Director, Operations, Maintenance & Construction Division (ext. 6998)
30. Central Everglades Planning Project Update - Tom Teets, Federal Policy Chief, Office of Everglades Policy & Coordination (ext. 6993)
31. C-139 Annex Restoration Update - Ernie Barnett, Director of Everglades Policy and Coordination (ext. 2110)
32. Land Assessment Process Update - Ray Palmer, Section Leader, Real Estate Section (ext. 2246)
33. Central Florida Water Supply Update
  - A) Central Florida Water Initiative - Dean Powell, Bureau Chief, Water Supply Bureau, Water Resources Division (ext. 6787)
  - B) Water Cooperative of Central Florida - Brian Wheeler, Executive Director, Toho Water Authority
  - C) Southeast Polk County Wellfield Project - Sharon Trost, Division Director, Regulation Division (ext. 6814)

## **Discussion Agenda**

34. **Resolution No. 2013 - 0209** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one-year cooperative agreement with the Tohopekaliga Water Authority, as agent of the Water Cooperative of Central Florida; providing for financial assistance to develop a water supply transmission and distribution plan and satisfying requirements set forth in settlement agreements with Orange County and the City of St. Cloud and providing for a conceptual design for the transmission and distribution of water from the Cypress Lake Wellfield to several cooperating utilities; in the amount of \$465,000 for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600002793) (WR, Dean Powell, ext. 6787)
35. **Resolution No. 2013 - 0210** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an 850-day contract with Douglas N. Higgins, the lowest responsive and responsible bidder for S-133, S-135 and S-153 Trash Rakes, Gates, and Paving Project, in an amount of \$9,678,000, for which \$3,247,190.39 in ad valorem funds are budgeted; and the remainder is subject to Governing Board approval of the FY14 and FY15 budgets; providing an effective date. (Contract Number 4600002808) (OMC, Jeff Kivett, ext. 2680)
36. General Public Comment

## **Staff Reports**

37. Monthly Financial Statement - Doug Bergstrom, Division Director,  
Administrative Services Division
38. General Counsel's Report - Carolyn S. Ansay
39. Executive Director's Report - Melissa L. Meeker  
Report on permits issued by authority delegated to the Executive Director  
from January 1-31, 2013.
40. Board Comment

## **Attorney Client Sessions**

41. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2012), to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

ATTENDEES: Governing Board Members S. Batchelor, J. Collins, D. DeLisi, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director M. Meeker; District attorneys C. Ansay, K. Burns, C. Kowalsky, D. MacLaughlin. (Carolyn S. Ansay, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2012), to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Carolyn S. Ansay, ext. 6976)

42. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2012), to discuss strategy related to litigation expenditures and/or settlement negotiations in Florida Wildlife Federation, Inc. et al. v. United States Army Corps of Engineers, United States District Court, Northern District of Florida, Case No. 4:12cv355-RH/CAS.

ATTENDEES: Governing Board Members S. Batchelor, J. Collins, D. DeLisi, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director M. Meeker; District attorneys C. Ansay, K. Burns, C. Kowalsky, D. MacLaughlin, J. Nutt, E. Ross. (Carolyn S. Ansay, ext. 6976)

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43. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2012), to discuss strategy related to litigation expenditures and/or settlement negotiations in Administrative Appeal dated November 15, 2012, by the South Florida Water Management District to Major Phillip May, Regional Administrator, Region IV, Federal Emergency Management Agency (FEMA) of the FEMA decision to deobligate funds for the 2004-2005 Hurricanes. (Carolyn S. Ansay, ext. 6976)

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44. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2012), to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. Cook of Bonita Springs Limited Partnership, C.M. Cook, Jr., Trustee, et al., 20th Judicial Circuit Court, Lee County, Florida, Case No. 11-CA-002067.

ATTENDEES: Governing Board Members S. Batchelor, J. Collins, D. DeLisi, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director M. Meeker; District attorneys C. Ansay, K. Burns, C. Kowalsky, D. MacLaughlin, E. Artau. (Carolyn S. Ansay, ext. 6976)

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45. Adjourn