



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

This meeting is open to the public

September 12, 2013

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

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 - Dan O'Keefe, Chairman, Governing Board
2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board
3. Employee Recognitions - Presented by Blake C. Guillory, Executive Director
 - September Employee of the Month: Kristen McKeon, Lead Database Administrator, Administrative Services Division
 - September Team of the Month: Restoration Strategies Science Plan Team
 - 40 Year Service Recognition: Wesley P. Ficht, Jr., Field Station Crew Chief, Miami Field Station, Operations, Maintenance & Construction

4. Agenda Revisions - Reagan Walker, Director, Office of Governing Board & Executive Services
5. Abstentions by Board Members from items on the Agenda
6. Water Resources Advisory Commission (WRAC) Report - Tim Sargent, Chair
7. Big Cypress Basin Board Report - Rick Barber, 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.***

8. Public Comment on Consent Agenda
 9. Pull Items for Discussion from Consent Agenda
 10. Board Comment on Consent Agenda
- Consent Items
11. Approval of the Minutes for the August 15, 2013, Regular Business meeting held in West Palm Beach, Florida
 12. Waivers for Water Resources Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes
 13. Regulatory Consent Items
 - Denials
 - Consent Orders
 - Conservation Easements, Amendments and Releases
 14. Right of Way Regulatory Consent Items
 - Right of Way Occupancy New Permits
 - Right of Way Occupancy Permit Requests with Waiver of District Criteria
 - Right of Way Occupancy Permit Requests for Denial
 15. **Resolution No. 2013 - 0901** A Resolution of the Governing Board of the South Florida Water Management District approving release of District canal, mineral and road reservations, and issuance of non-use commitment; providing an effective date. (OMC, Kathy Massey, ext. 6835)

16. **Resolution No. 2013 - 0902** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Interagency Agreement between the South Florida Water Management District and St. Johns River Water Management District for designation of regulatory responsibility for permitting under Part IV of Chapter 373, Florida Statutes, for the project known as Lucky L Ranch Mitigation Bank that crosses jurisdictional boundaries of both Water Management Districts; providing an effective date. (REG, Anita Bain, ext. 6866)
17. Authorize publication of Notice of Rule Development in the Florida Administrative Register and request review by the Office of Fiscal Accountability and Regulatory Reform, to amend Rules 40E-1.021 and 40E-1.6058, F.A.C., to promote regulatory streamlining, cost savings and increase transparency by defining the term “posting” and providing for website posting of the receipt of certain applications, as opposed to newspaper publication. (REG, Sharon Trost, ext. 6814)
18. Authorize publication of Notice of Proposed Rule in the Florida Administrative Register (FAR) to update, clarify and modify Public Use Rules 40E-7.511, 40E-7.520, 40E-7.521, 40E-7.523, 40E-7.525, 40E-7.526, 40E-7.527, 40E-7.528, 40E-7.529, 40E-7.530, 40E-7.532, 40E-7.534, 40E-7.535, 40E-7.537, 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383, 40E-7.5384, and 40E-7.539, F.A.C., based on public comments solicited and received, and authorize review from the Office of Fiscal Accountability and Regulatory Reform. (OMC, Dan Cotter, ext. 2301)
19. **Resolution No. 2013 - 0903** A Resolution of the Governing Board of the South Florida Water Management District authorizing payment of \$10,000 from Big Cypress Basin Field Station FY14 operating budget for settlement of claim made by Wallace Homes of Southwest Florida, Inc., a Florida Corporation, against South Florida Water Management District regarding alleged unauthorized construction and use of an access boat ramp located west of the Cypress Way E Bridge on the Cocohatchee West Canal, Collier County and acquisition of a boat ramp easement; subject to Governing Board approval of the FY14 budget; providing an effective date. (OMC, Jorge Patino, ext. 6175)
20. **Resolution No. 2013 - 0904** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 319 day contract with Overland Construction, Inc., the lowest responsive and responsible bidder, for the Emergency Operations and Data Center HVAC improvements, in the amount of \$879,800.00, for which ad valorem funds of \$75,000.25 is budgeted in FY13 and the remaining amount is subject to Governing Board approval of the FY14 Budget; providing an effective date. (Contract Number 4600002936) (Denise Palmatier, ext. 6758)

21. **Resolution No. 2013 - 0905** 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 Fort Lauderdale Field Station area, in the amount of \$486,000 for three years, of which \$162,000 in ad valorem funds are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15 and FY16 budgets; providing an effective date. (OMC, Karen Estock, ext. 6282)
22. **Resolution No. 2013 - 0906** A Resolution of the Governing Board of the South Florida Water Management District authorizing the payment in lieu of taxes (PILT) to Okeechobee County Board of County Commissioners for actual ad valorem tax losses incurred as a result of land purchased by the District; providing an effective date. (OMC, Jayne Bergstrom, ext. 2672)
23. **Resolution No. 2013 - 0907** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Terremark Federal Group, Inc, for a disaster recovery alternate data center facility and services for the time period November 1, 2013 to October 31, 2014, using Broward College Contract #ITN-2010-001-BM, in the amount of \$196,056 for which ad valorem funds are budgeted and subject to Governing Board approval of the FY14 budget; providing an effective date. (AS, Duane Piper, ext. 2638)
24. **Resolution No. 2013 - 0908** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Presidio Corporation for the annual renewal of Cisco Systems network hardware and software maintenance, for the time period November 1, 2013 to October 31, 2014 using State of Florida Contract #250-000-09-1, in the amount of \$365,855 for which ad valorem funds are budgeted and subject to Governing Board approval of the FY14 budget; providing an effective date. (AS, Duane Piper, ext. 2638)
25. **Resolution No. 2013 - 0909** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Oracle Corporation for the annual renewal of Sun Microsystems server, storage, and peripheral hardware maintenance, for the time period November 1, 2013 to October 31, 2014, using State of Florida Contract #250-000-09-1, in the amount of \$318,085 for which ad valorem funds are budgeted and subject to Governing Board approval of the FY14 budget; providing an effective date. (AS, Duane Piper, ext. 2638)
26. **Resolution No. 2013 - 0910** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Mythics, Inc. for the annual renewal of Oracle software maintenance and upgrades, for the time period October 25, 2013 to October 24, 2014, using GSA Schedule #GS-35f-0153M, in the amount of \$886,367 for which ad valorem funds are budgeted and subject to Governing Board approval of the FY14 budget; providing an effective date. (AS, Duane Piper, ext. 2638)

27. **Resolution No. 2013 - 0911** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Forsythe Solutions Group for the annual renewal of infrastructure hardware and software maintenance, for the time period November 1, 2013 to October 31, 2014, using State of Florida Contract #250-000-09-1, in the amount of \$198,594 for which ad valorem funds are budgeted and subject to Governing Board approval of the FY14 budget; providing an effective date. (AS, Duane Piper, ext. 2638)
28. **Resolution No. 2013 - 0912** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Dyntek Services, Inc. for the annual renewal of Symantec storage software maintenance and upgrades, for the time period December 1, 2013 to November 30, 2014, using GSA Schedule #GS-35f-0119Y, in the amount of \$225,820 for which ad valorem funds are budgeted and subject to Governing Board approval of the FY14 budget; providing an effective date. (AS, Duane Piper, ext. 2638)
29. **Resolution No. 2013 - 0913** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Environmental Systems Research Institute, Inc. (Esri) as an exception to the general standards of competition for an Enterprise License Agreement for geographic information systems software, for the time period October 1, 2013 to September 30, 2016 in the amount of \$989,000 for which \$389,000 of ad valorem funds are budgeted and subject to Governing Board approval of the FY14 budget and the remainder is subject to Governing Board approval of the FY15 and FY16 budgets; providing an effective date. (AS, Duane Piper, ext. 2638)
30. **Resolution No. 2013 - 0914** A Resolution of the Governing Board of the South Florida Water Management District authorizing a three-year agreement with Audubon of Florida's Tavernier Science Center for hydrology, aquatic vegetation, and prey-base fauna monitoring in the Southern Everglades Mangrove Communities and authorize a sole source as an exception to the general standards of competition in an amount not to exceed \$390,000 subject to Governing Board approval of the FY14 through FY16 budgets; providing an effective date. (Contract #4600002916) (WR, Joseph Stachelek, ext. 4543)
31. **Resolution No. 2013 - 0915** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year agreement with Collier County in the amount not to exceed \$290,500, for the construction of the Northern Golden Gate Estate Flow Way Restoration project, for which dedicated Big Cypress Basin ad valorem funds are budgeted; subject to Governing Board approval of the FY14 budget; providing an effective date. (EXO, Dan Delisi, ext. 6232)

32. **Resolution No. 2013 - 0916** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year agreement with Collier County in the amount not to exceed \$600,000, for the construction of the Livingston Road Aquifer Storage and Recovery (ASR) Well #2 project, for which dedicated Big Cypress Basin ad valorem funds are budgeted; subject to Governing Board approval of the FY14 budget; providing an effective date. (EXO, Dan Delisi, ext. 6232)
33. **Resolution No. 2013 - 0917** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year agreement with the City of Marco Island in the amount not to exceed \$236,000, for the construction of the City's Swallow Avenue Drainage Improvements project, for which dedicated Big Cypress Basin ad valorem funds are budgeted; subject to Governing Board approval of the FY14 budget; providing an effective date. (EXO, Dan Delisi, ext. 6232)
34. **Resolution No. 2013 - 0918** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year cooperative agreement with the City of Naples in the amount not to exceed \$600,000, for the construction of the City's Aquifer Storage and Recovery (ASR) Well #3 project, for which dedicated FY 14 Big Cypress Basin ad valorem funds are budgeted, subject to Governing Board approval of the FY14 budget; providing an effective date. (EXO, Dan Delisi, ext. 6232)
35. **Resolution No. 2013 - 0919** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Governing Board chair to execute a certification that the District has completed the economic estimates required under paragraph 120.745(9)(b), Florida Statutes, and authorizing transmittal of the same to the Joint Administrative Procedures Committee; providing an effective date. (OC, Carolyn Ansay, ext. 6976)
36. **Resolution No. 2013 - 0920** A Resolution of the Governing Board of the South Florida Water Management District to authorize entry into a stipulated motion for order to pay costs with Kenneth G. Hyatt for payment of attorney's fees and expert witness costs of \$865,220.96 which represents any and all costs incurred by Kenneth G. Hyatt in the Osceola County Kissimmee River restoration project styled South Florida Water Management District v. Kenneth G. Hyatt, et al., case no.: 2011CA-002798-ED, filed in the 9th Circuit Court in and for Osceola County, Florida; providing an effective date. (OC, Carolyn Ansay, ext. 6976)
37. **Resolution No. 2013 - 0921** A Resolution of the Governing Board of the South Florida Water Management District to authorize entry into a stipulated motion for order to pay costs with Arnold H. Mack for payment of attorney's fees and expert witness costs of \$645,444.79 which represents any and all costs incurred by Arnold H. Mack in the Osceola County Kissimmee River restoration project styled South Florida Water Management District v. Kenneth G. Hyatt, et al., case no.: 2011CA-002798-ED, filed in the 9th circuit court in and for Osceola County, Florida; providing an effective date. (OC, Carolyn Ansay, ext. 6976)

38. Board Vote on Consent Agenda
39. General Public Comment

Discussion Agenda

40. Technical Reports
 - A) Water Conditions Report - Tommy Strowd, Assistant Executive Director, Operations, Maintenance & Construction (ext. 6998)
 - B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources (ext. 6952)
41. Enter a Final Order Approving the 2013 Lower East Coast Water Supply Plan Update - Mark Elsner, Section Administrator, Water Supply Development Section (ext. 6156)
42. Central Florida Water Initiative (CFWI) Update - Len Lindahl, Assistant Executive Director, Business & Regulatory (ext. 6283)
43. Overview of Aquifer Storage and Recovery (ASR) Technology: Opportunities and Challenges - Dean Powell, Bureau Chief, Water Supply (ext. 6787)
44. Broward County East Coast Protective Levee Update - John Mitnik, Bureau Chief, Engineering & Construction Bureau (ext. 2679)
45. **Resolution No. 2013 - 0922** A Resolution of the Governing Board of the South Florida Water Management District, directing staff to move forward to analyze options, including but not limited to, disposal of land interests containing 12,341 acres, more or less, in Palm Beach, Broward, and Miami-Dade Counties, together with any structures and improvements and personal property appurtenant thereto, and thereafter propose recommendations to the Governing Board for further approval; providing an effective date. (OMC, Ray Palmer, ext. 2246)
46. Dispersed Water Management Update - Temperince Morgan, Division Director, Office of Everglades Policy & Coordination (ext. 6987)
47. FY14 Budget Update - Doug Bergstrom, Division Director, Administrative Services (ext. 6214)
48. Patient Protection and Affordable Healthcare Act Overview - Len Lindahl, Assistant Executive Director, Business & Regulatory (ext. 6283)
49. **Resolution No. 2013 - 0923** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year agreement with the City of Naples in the amount not to exceed \$1,000,000, for the construction of Phase III of the City's Reclaimed Water System Distribution Expansion project, for which dedicated FY14 Big Cypress Basin ad valorem funds are budgeted; subject to Governing Board approval of the FY14 budget; providing an effective date. (EXO, Dan Delisi, ext. 6232)

50. General Public Comment

Staff Reports

51. Monthly Financial Statement - Doug Bergstrom, Division Director,
Administrative Services
52. General Counsel's Report - Carolyn S. Ansay
53. Executive Director's Report - Blake C. Guillory
Report on permits issued by authority delegated to the Executive Director
from August 1-31, 2013.
54. Board Comment

Attorney Client Sessions

55. 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.

ATTENDEES: Governing Board Members F. Barber, S. Batchelor, M. Hutchcraft, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director B. Guillory; 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)

56. Adjourn