



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

This meeting is open to the public

August 14, 2014

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 Guillory, Executive Director
 - August Employee of the Month: Albert Cantelo, Building Maintenance Mechanic, Administrative Services Division
 - August Team of the Month: Supreme Court Appeal Team
4. Agenda Revisions - Jacki McGorty, District Clerk
5. Abstentions by Board Members from items on the Agenda

6. Water Resources Advisory Commission (WRAC) Report - Jim Moran, 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.***

7. Public Comment on Consent Agenda
8. Pull Items for Discussion from Consent Agenda
9. Board Comment on Consent Agenda
10. Approval of the Minutes for the July 10, 2014 Regular Business Governing Board meeting held in West Palm Beach, Florida.
11. Waivers for Water Resource Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes.
12. Regulatory Consent Items
13. Right of Way Regulatory Consent Items
14. **Resolution No. 2014 - 0801** Approve release of canal, mineral and road reservations. (OMC, Kathy Massey, ext. 6835)
15. **Resolution No. 2014 - 0802** Approve the purchase of land interests containing 30.0 acres, more or less, in Miami-Dade County, Pennsuco Project, in the total amount of \$240,000 and associated costs in the amount of \$2,950 for which dedicated funds (Lake Belt Mitigation Fund) have been budgeted; approve declaring surplus, disposal of, and removal from the asset records any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition. (OMC, Ray Palmer, ext. 2246)
16. **Resolution No. 2014 - 0803** Authorize entering into a Memorandum of Understanding between the South Florida Water Management District and the Florida Public Service Commission (FPSC) which outlines the responsibilities and duties regarding water conservation and water reuse issues for utilities subject to FPSC jurisdiction and describe how the SFWMD and FPSC will coordinate on these issues. (WR, Jim Harmon, ext. 6777)

17. **Resolution No. 2014 - 0804** Authorize entering into a Memorandum of Understanding between the South Florida Water Management District, Hendry-Hilliard Water Control District, and Water and Soil Solutions, LLC, regarding operation and monitoring of the East Caloosahatchee River Floating Aquatic Vegetative Tilling Project. (REG, Sharon Trost, ext. 6814)
18. **Resolution No. 2014 - 0805** Authorize entering into a two-year contract with Florida International University for the project titled, "Bioassays for Determining Dissolved Organic Nitrogen Bioavailability to Primary and Secondary Production in the Caloosahatchee River Water Column," in the amount of \$200,000, for which ad valorem funds are budgeted subject to Governing Board approval of the FY15 budget. (WR, Theresa Coley, ext. 2636)
19. **Resolution No. 2014 - 0806** Approving an amendment to the Fiscal Year 2013-14 budget. (AS, Candida Heater, ext. 6486)
20. **Resolution No. 2014 - 0807** Authorize entering into a three-year contract with two (2) one-year renewal options with James L. King & Associates, Inc., the lowest responsive and responsible bidder, for Flat Mowing Services in the Miami Field Station area, in the amount of \$294,462.00, of which \$69,854.00 in ad valorem funds are budgeted in FY15, subject to Governing Board approval. Funds for FY16 and FY17 budgets are subject to Governing Board approval; providing an effective date. (Contract Number 4600003121) (Kristy C. Jenkins, ext. 7028)
21. **Resolution No. 2014 - 0808** Authorize a change order to contract 4600002959 with Lucas Marine Acquisition Company, LLC, for the G-94 Refurbishment Project; L-40 Levee Restoration, in the amount of \$331,735.21, and to extend the term of the contract by 45 days for which ad valorem funds of \$331,735.21 are budgeted in FY14. (OEC, Jeff Kivett, ext. 2680)
22. Board Vote on Consent Agenda
23. General Public Comment
24. Board Comment

Discussion Agenda

25. Technical Reports
 - A) Water Conditions Report - Jeff Kivett, Division Director, Operations, Engineering and Construction Division (ext. 2680)
 - B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources Division (ext. 6952)
26. Indian River Lagoon National Estuary Program Update - Dan DeLisi, Chief of Staff, Executive Office (ext. 6232)
27. C-51 Reservoir Update - Len Lindahl, Assistant Executive Director, Executive Office (ext. 6283)
28. Everglades Agricultural Area and C-139 Basins Source Control Program Annual Update - Pam Wade, Bureau Chief, Everglades Regulation Bureau (ext. 6901)
29. **Resolution No. 2014 - 0809** Authorize a 425 day contract with Shoreline Foundation, Inc., the lowest responsive and responsible bidder, for the C-44 System Discharge, in the amount of \$5,377,745.00, for which \$40,000.00 in ad valorem funds are budgeted in FY14, \$400,000.00 in dedicated funds (Save Our Everglades Trust Fund) are budgeted in FY14; and the remainder is subject to Governing Board approval of the FY15 budget. (Contract Number 4600003113) (OEC, Jeff Kivett, ext. 2680)
30. Consideration of (1) Administrative Law Judge R. Meale's Recommended Order, and (2) timely filed Exceptions to the Recommended Order and Responses thereto, in DOAH Case No. 13-4859, William B. Swaim v. South Florida Water Management District, regarding the South Florida Water Management District's decision not to verify SWERP exemptions for mosquito control activities and seawall construction in an artificially created waterway for property in Palm Beach County. Edward Artau, Interim General Counsel, Alison Kelly, for SFWMD staff, William Swaim, pro se.
31. General Public Comment

Staff Reports

32. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services Division
33. General Counsel's Report - Edward Artau
34. Executive Director's Report - Blake Guillory
Report on permits issued by authority delegated to the Executive Director from July 1-31, 2014.
35. Board Comment

Attorney Client Sessions

36. Attorney Client Session - USA

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), 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, M. Peterson, J. Portuondo, K. Powers, G. Waldman; Executive Director B. Guillory; District attorneys E. Artau, K. Burns, J. Collier, C. Kowalsky. (Edward L. Artau, ext. 6431)

Action Items, (if any), Stemming from Attorney/Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), 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. (Edward L. Artau, ext. 6431)

37. Attorney Client Session - FEMA

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. FEMA, et al., United States District Court, Southern District of Florida, Case No. 13-80533-CIV-Middlebrooks/Brannon.

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38. Adjourn