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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*

April 10, 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
  - April Employee of the Month - David Reinert, Chief Mechanic, Administrative Services
  - April Team of the Month - C111 South Dade Conveyance System Reimbursement 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 - Tim Sargent, 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 March 13, 2014, Governing Board Regular Business meeting held in West Palm Beach, Florida.
11. Waivers for Water Resources Advisory Commission members pursuant to Section 112.313, Florida Statutes
12. Regulatory Consent Items
13. Right of Way Regulatory Consent Items
14. **Resolution No. 2014 - 0401** Approving release of canal, road and mineral reservations; providing an effective date. (OMC, Kathy Massey, ext. 6835)
15. Authorize publication of Notice of Proposed Rule in the Florida Administrative Register and request review from the Office of Fiscal Accountability and Regulatory Reform, to amend Rule 40E-4.091, F.A.C., and the incorporated Environmental Resource Permit Applicant's Handbook Volume II: For Use within the Geographic Limits of the South Florida Water Management District, to incorporate by reference the Procedure for Environmental Resource Permit (ERP) Water Quality Evaluations for Applications Involving Discharges to Outstanding Florida Waters and Water Bodies that Do Not Meet State Water Quality Standards. (REG, Dan Waters, ext. 7763)

16. Authorize publication of Notice of Rule Development to amend Chapters 40E-1, 40E-2, 40E-3, 40E-5, 40E-8, 40E-10, 40E-20, and 40E-24, and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District, in accordance with the Department of Environmental Protection's statewide effort to improve consistency between the water management districts' consumptive use permitting and water supply related programs, and request review by the Office of Fiscal Accountability and Regulatory Reform. (Maria Clemente, ext. 2308)
17. **Resolution No. 2014 - 0402** Declaring April as Water Conservation Month in Florida. (WR, Patrick Martin, ext. 2176)
18. Enter an Order amending the 2011 Upper East Coast (UEC) Water Supply Plan Update to designate the UEC planning area as a Water Resource Caution Area (WRCA). (WR, Mark Elsner, ext. 6156)
19. Enter an Order amending the 2012 Lower West Coast (LWC) Water Supply Plan Update to designate the LWC planning area as a Water Resource Caution Area (WRCA). (WR, Mark Elsner, ext. 6156)
20. **Resolution No. 2014 - 0403** Approve the 2013 Lake Belt Mitigation Committee Annual Report. (WR, Terrie Bates, ext. 6952)
21. **Resolution No. 2014 - 0404** Amendment to the Fiscal Year 2013-14 Budget; providing an effective date. (AS, Mike Smykowski, ext. 6295)
22. **Resolution No. 2014 - 0405** Authorizing Lease 4600003028 with the Florida Department of Environmental Protection for five (5) years in a revenue amount of approximately \$1.8 million. (Contract No. 4600003028) (AS, Michael Hiscock, ext. 2526)
23. **Resolution No. 2014 - 0406** Authorize entering into a Purchase Order with Gartner, Inc. for Management Consulting Services to perform an Information Technology Bureau review, using State of Florida Contract #973-000-14-01, in the amount of \$300,000 for which ad valorem funds are budgeted in FY14. (AS, Duane Piper, ext. 2638)
24. **Resolution No. 2014 - 0407** Authorizing the official ranking of respondents and a 3-year Monitoring Services Contract supporting the Dispersed Water Management Program, subject to successful negotiations, in an amount not-to-exceed \$350,000. (EPC, Beth Lewis, ext. 6343)
25. Enter a Final Order Denying: 1. Petition for Declaratory Statement; 2. Motion to Correct Notice of Declaratory Statement; and 3. Motion to Strike the City of Sunny Isles Beach's Motion to Intervene and Incorporated Memorandum in Opposition to Petition for Declaratory Statement, all filed by J. Tucker, Trustee. (OC, Susan Martin, ext. 6251)

26. **Resolution No. 2014 - 0408** Authorizing an amendment to the January 9, 2014 Land Exchange Agreement with Florida Crystals Corporation Subsidiaries and Gladeview Holdings, LC. (OMC, Richard Bassell, ext. 2510)
27. **Resolution No. 2014 - 0409** Authorize entering into a 120-day contract with Dickerson Florida, Inc., the lowest responsive and responsible bidder, for the C-41A Canal Bank Repairs Project, in the amount of \$845,845 of which ad valorem funds of \$447,445 and external grant funds of \$323,400 are budgeted in FY14, and to authorize a budget transfer in the amount of \$75,000 in external grant funds from Administrative Services and Executive Offices and Restoration Program to Operations, Maintenance and Construction Division and Operations and Maintenance Program, of which the \$398,400 in external grant funds will be reimbursed by grant through the Emergency Watershed Protection Program of the U.S. Department of Agriculture National Resources Conservation Service. (Contract Number 4600003034) (John Mitnik, ext. 2679)
28. Board Vote on Consent Agenda
29. General Public Comment
30. Board Comment

## Discussion Agenda

31. Technical Reports
  - A) Water Conditions Report - Jeff Kivett, Division Director, Operations, Engineering & Construction Division (ext. 2680)
  - B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources Division (ext. 6952)
32. Approval of Fiscal Year 2013 Comprehensive Annual Financial Report, Audit Management Letter, and Single Audit - Brett Friedman, Engagement Partner, McGladrey LLP
33. Approval of Inspector General's Audit Reports - Tim Beirnes, Inspector General (ext. 6398)
34. **Resolution No. 2014 - 0410** Authorizing the Executive Director to sign a letter to the U.S. Army Corps of Engineers expressing support for the Central Everglades Planning Project, and affirming South Florida Water Management District's financial capability to satisfy the obligations of the Non-Federal Sponsor described in the Central Everglades Planning Project, Final Integrated Project Implementation Report and Environmental Impact Statement, dated April 2014. (EPC, Tom Teets, ext. 6993)
35. **Resolution No. 2014 - 0411** Approve declaring surplus land interests containing 20.41 acres, more or less, in Osceola County without reservation of interests under Section 270.11, Florida Statutes, together with any structures and improvements and personal property appurtenant thereto and approve offering said property to the public for bid to be sold for the highest price obtainable but not less than the appraised value. (OMC, Ray Palmer, ext. 2246)
36. **Resolution No. 2014 - 0412** Authorize entering into a 311 day contract with Thomas Marine Construction, Inc., the lowest responsive and responsible bidder, for the Miller Canal Weir No. 3 Replacement project, in the amount of \$1,668,100, of which \$998,750 in ad valorem funds are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15 budget. (Contract Number 4600003037) (OMC, John Mitnik, ext. 2679)
37. **Resolution No. 2014 - 0413** Authorize entering into a 480-day contract with Arbor Tree & Land, Inc., the lowest responsive and responsible bidder, for Hillsboro Canal Dredging & Bank Stabilization Project, Package 1, in the amount of \$7,914,500.00 of which ad valorem funds in the amount of \$2,000,000.00 are budgeted In FY14 and the remainder is subject to Governing Board approval of the FY15 budget. (Contract Number 4600003042) (OMC, John Mitnik, ext. 2679)

38. **Resolution No. 2014 - 0414** Authorize entering into a 420 day contract with Interlaken Inc., the lowest responsive and responsible bidder, for the S-150 Structure Replacement and Automation Project, in the amount of \$2,587,125, of which \$1,589,527 are budgeted In FY14 and to authorize a budget transfer in the amount of \$997,598 in ad valorem funds from the Water Management System element to the Capital Projects element within the Operations and Maintenance Program; providing an effective date. (Contract Number 4600003039) (OMC, John Mitnik, ext. 2679)
39. **Resolution No. 2014 - 0415** Authorize entering into a 395 day contract with Expert Construction Managers, Inc., the lowest responsive and responsible bidder, for the S-6 Communications Tower project, for a total amount of \$1,622,000, of which ad valorem funds of \$1,072,000 are budgeted in FY14 and to authorize a budget transfer in the amount of \$550,000 in ad valorem funds from the Electronics/Communications & Control element to the Capital Projects element within the Operations and Maintenance Program. (Contract Number 4600003041) (OMC, John Mitnik, ext. 2679)
40. **Resolution No. 2014 - 0416** Authorize entering into a three-year contract, with both the University of Florida-Water Institute (#4600003031), and Florida International University (#4600003032), for the purpose of providing University Technical Environmental Services in support of the Restoration Strategies Science Plan. (WR, Linda Lindstrom, ext. 6820)
41. **Resolution No. 2014 - 0417** Authorize entering into a two-year contract with both DB Environmental Laboratories, Inc. and Ecology & Environment, Inc. for Technical Environmental Services in Support of the Restoration Strategies Science Plan. (WR, Linda Lindstrom, ext. 6820)
42. General Public Comment

## **Staff Reports**

43. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services Division
44. General Counsel's Report - Carolyn Ansay
45. Executive Director's Report - Blake Guillory  
Report on permits issued by authority delegated to the Executive Director from March 1-31, 2014.
46. Board Comment

## **Attorney Client Sessions**

### 47. 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, 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 (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. (Carolyn S. Ansay, ext. 6976)

### 48. 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 South Florida Water Management District v. FEMA, et al., United States District Court, Southern District of Florida, Case No. 13-80533-CIV-Middlebrooks/Brannon. (Carolyn S. Ansay, ext. 6976)

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### 49. Adjourn