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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*

August 15, 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 Ernie Barnett, Interim Executive Director
  - August Employee of the Month: Cathy Widness, Permit Tech 4, Regulation Division
  - August Team of the Month: LILA Work-In-Kind Expenditures Team
  - 25 Year Service Recognition: Paul Wilson Jr., Excavation/Earthmoving Operator, Miami Field Station, Operations, Maintenance & Construction

4. Agenda Addendum - 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

## **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
- Consent Items
10. Approval of the Minutes for the July 11, 2013, Regular Business meeting held in West Palm Beach, Florida
  11. Waivers for Water Resources Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes
  12. Regulatory Consent Items
    - Denials
    - Consent Orders
    - Conservation Easement Amendments and Releases
    - Seminole Tribe Work Plans
  13. Right of Way Regulatory Consent Items
    - Right of Way Occupancy New Permits
    - Right of Way Occupancy Permit Modifications
    - Right of Way Occupancy Permit Requests with Waiver of District Criteria
  14. **Resolution No. 2013 - 0801** 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 commitments; providing an effective date. (OMC, Kathy Massey, ext. 6835)

15. **Resolution No. 2013 - 0802** A Resolution of the Governing Board of the South Florida Water Management District to authorize declaring surplus certain land interests within the L-63 North Canal Right of Way containing 0.843 acres, more or less, for conveyance to Florida Department of Transportation in fee, subject to a Canal Right of Way Easement to be reserved by the District, without reservation of interests provided under Florida Statute 270.11, in consideration of Florida Department of Transportation paying to the District \$108,200 and conveying to the District a recordable Canal Right of Way easement in order to improve the quality of title with respect to a 0.546 acres, more or less, portion of the L-63 North Canal Right of Way; all located in Okeechobee County, Florida; subject to satisfaction of certain terms, conditions and requirements; providing an effective date. (OMC, Bruce Hall, ext. 6541)
16. **Resolution No. 2013 - 0803** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement 4600000961 with the Florida Fish and Wildlife Conservation Commission to continue providing public use and land and wildlife management services on District lands to extend the term by three (3) years from October 1, 2013 to September 30, 2016, in an amount not to exceed \$670,200 of which \$219,000 in ad valorem and non-ad valorem funds (lease revenue funds) are 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. (OMC, Steve Coughlin, ext. 2603)
17. **Resolution No. 2013 - 0804** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement C-10162 / 3600000000 with the Florida Fish and Wildlife Conservation Commission for law enforcement services on District lands to provide funding for the next three (3) years of the agreement in an amount not to exceed \$1,276,650 of which \$351,650 in ad valorem and non-ad valorem funds (Wetland Mitigation Fund and lease revenue funds) are 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. (OMC, Steve Coughlin, ext. 2603)
18. **Resolution No. 2013 - 0805** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a five (5) year Cooperative Agreement with the Florida Department of Environmental Protection for Surveying Services in an amount not-to-exceed \$300,000, subject to Governing Board approval of the FY14-FY18 budgets; providing an effective date. (Contract Number 4600002891) (OMC, Howard Ehmke ext. 2978)

19. **Resolution No. 2013 - 0806** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Florida Fish and Wildlife Conservation Commission to establish District lands consisting of approximately 1800 acres located in Polk County, as part of the Kissimmee Chain of Lakes Managed Area for the 2013-14 fall hunting season; subject to terms and conditions; providing an effective date. (OMC, Dan Cotter, ext. 2301)
20. **Resolution No. 2013 - 0807** A Resolution of the Governing Board of the South Florida Water Management District authorizing a five-year agreement with Miami-Dade County, Department of Regulatory and Economic Resources, for maintaining a South Florida Submerged Aquatic Vegetation and Water Quality Monitoring Network in an amount not to exceed \$570,000 subject to Governing Board approval of the FY14 - FY18 budgets providing an effective date. (Contract No. 4600002913) (WR, Amanda McDonald, ext. 4648).
21. **Resolution No. 2013 - 0808** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three-year contract with Florida International University for the Loxahatchee Impoundment Landscape Assessment (LILA) tree island, ridge, slough studies and site management in an amount not to exceed \$509,996, subject to Governing Board approval of the FY14 - FY16 budgets; providing an effective date. (Contract No. 4600002848) (WR, Eric Cline, ext. 4596)
22. **Resolution No. 2013 - 0809** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three-year contract with Florida Atlantic University for the purpose of Riverwoods Field Laboratory Technical Support and Site Management in an amount not to exceed \$785,280 subject to Governing Board approval of the FY14 - FY16 budgets; providing an effective date. (Contract No. 4600002917) (WR, Joseph Koebel, ext. 6925)
23. **Resolution No. 2013 - 0810** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District's FY12-13 budget to fund District fuel & electric demands as needed to respond to operational requirements; providing an effective date. (AS, Mike Smykowski, ext. 6295)
24. **Resolution No. 2013 - 0811** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of excess Wetland Mitigation Special Revenue funds to District General Fund within the District FY13-14 budget to cost share implementation of the C-111 South Project; providing an effective date. (AS, Doug Bergstrom, ext. 6214)

25. **Resolution No. 2013 - 0812** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Interagency Agreement among South Florida Water Management District (SFWMD), St. Johns River Water Management District (SJRWMD) and Florida Department of Environmental Protection (FDEP) for designation of regulatory responsibilities for permitting under Part IV of Chapter 373, Florida Statutes, for the project known as "All Aboard Florida" that crosses jurisdictional boundaries of both Water Management Districts; providing an effective date. (Contract No. 4600002915) (REG, Sharon Trost, ext. 6814)
26. **Resolution No. 2013 - 0813** A Resolution of the Governing Board of the South Florida Water Management District to approve an Employment Agreement by and between the Governing Board of the South Florida Water Management District and Blake Guillory; providing an effective date. (EXO, Carolyn Ansay, ext. 6976)
27. **Resolution No. 2013 - 0814** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an 18-month agreement with Collier County for the 28th Avenue SE Culvert Project in the amount estimated not to exceed \$575,000, 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. (Agreement number 4600002912) (EXO, Lisa Koehler, ext. 7603)
28. Board Vote on Consent Agenda
29. General Public Comment

## Discussion Agenda

30. Technical Reports
  - A) Water Conditions Report - Tommy Strowd, Assistant Executive Director, Operations, Maintenance & Construction (ext. 6998)
  - B) Florida Fish & Wildlife Conservation Commission Report - Ron Bergeron, Commissioner, Florida Fish & Wildlife Conservation Commission
  - C) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources (ext. 6952)
31. **Resolution No. 2013 - 0815** A Resolution of the Governing Board of the South Florida Water Management District supporting the release for public and agency review of the Central and Southern Florida, Central Everglades Planning Project, Draft Integrated Project Implementation Report and Environmental Impact Statement, dated August 2013 by the U.S. Army Corps of Engineers; providing an effective date. (EXO, Ernie Barnett, ext. 2110)
32. **Resolution No. 2013 - 0816** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three-year contract with Caulkins Citrus Company, LTD for a Dispersed Water Management Program Water Farming Pilot Project for the purpose of providing water retention services and pilot project implementation information on fallow citrus lands in the St. Lucie River Watershed in an amount not to exceed \$1,263,636, subject to Governing Board approval of the FY14–FY16 budgets; providing an effective date. (Contract no. 4600002925) (EPC, Temperince Morgan, ext. 6987)
33. FY14 Budget Update - Doug Bergstrom, Division Director, Administrative Services (ext. 6214)
34. **Resolution No. 2013 - 0817** 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 1,043 acres, more or less, in Glades, Hendry, Lee, and Collier 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)
35. **Resolution No. 2013 - 0818** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 340-Day Contract with Metro Equipment, the lowest responsive and responsible bidder, for the Hillsboro Canal Dredging & Bank Stabilization Project, Package 2, in the amount of \$6,270,095 for which ad valorem funds are budgeted; subject to the Governing Board approval of the FY14 budget; providing an effective date. (OMC, John Mitnik, ext. 2679 )

36. **Resolution No. 2013 - 0819** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3-year contract with one (1) two-year renewal option with Complete Services of South Florida, Inc., subject to successful negotiations for Lock Tender Services along the North Shore of Lake Okeechobee and the Kissimmee River within Okeechobee, Clewiston and St. Cloud Field Station areas of responsibilities, in an amount of \$2,415,000, for which \$805,000 in ad valorem funds are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15-FY16 budgets; providing that, if negotiations are unsuccessful with Complete Services of South Florida, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600002924) (OMC, Karen Estock, ext. 6282 )
37. General Public Comment

## **Staff Reports**

38. Monthly Financial Statement - Doug Bergstrom, Division Director, Administrative Services
39. General Counsel's Report - Carolyn S. Ansay
40. Interim Executive Director's Report - Ernie Barnett  
Report on permits issued by authority delegated to the Interim Executive Director from July 1-31, 2013.
41. Board Comment

## **Attorney Client Sessions**

### 42. 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; Interim Executive Director E. Barnett; 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)

### 43. Adjourn