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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*

July 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. Oath of Office - Administered by Marcia Kivett, Director, Office of Governing Board & Executive Services
4. Recognition of Tim Sargent - Dan O'Keefe, Chairman, Governing Board
5. Employee Recognitions - Presented by Blake Guillory, Executive Director
  - June Employee of the Month - Marjorie Moore, Lead Scientist, Field Operations & Land Management Division
  - July Team of the Month - FPL Site Certification Team

- 40- Year Service Award - Richard Champlin, Superintendent, Clewiston Field Station, Field Operations & Land Management Division
- 6. Agenda Revisions - Jacki McGorty, District Clerk
- 7. Abstentions by Board Members from items on the Agenda
- 8. Water Resources Advisory Commission (WRAC) Report - Jim Moran, Chair
- 9. 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.***

10. Public Comment on Consent Agenda
11. Pull Items for Discussion from Consent Agenda
12. Board Comment on Consent Agenda
13. Approval of the Minutes for the June 12, 2014 Regular Business Governing Board meeting held in Kissimmee, Florida
14. Waivers for Water Resource Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes
15. Regulatory Consent Items
16. **Resolution No. 2014 - 0701** Approving release of canal reservations and issuance of non-use commitments. (OMC, Kathy Massey, ext. 6835)
17. **Resolution No. 2014 - 0702** Approve the acquisition of a revocable temporary license, at no cost, over a portion of Collier County's Freedom Park for the installation and monitoring of a rain gauge and associated telemetry equipment in Collier County, Big Cypress Basin. (OMC, Bruce Hall, ext. 6541)
18. **Resolution No. 2014 - 0703** Approving a new 10-year lease agreement for approximately 670.31 acres in St. Lucie County, with Diamond 3 Cattle Co. LLC, the highest responsive and responsible bidder, with a bid amount of \$22,260.00 annually, as more particularly described herein. (Contract No. 4600003076) (OMC, Ray Palmer, ext. 2246)
19. **Resolution No. 2014 - 0704** Approving a new 10-year lease agreement for approximately 651.52 acres in St. Lucie County, with Diamond 3 Cattle Co. LLC, the highest responsive and responsible bidder, with a bid amount of \$17,490.00 annually, as more particularly described herein. (Contract No. 4600003079) (OMC, Ray Palmer, ext. 2246)

20. **Resolution No. 2014 - 0705** Approving a new 10-year lease agreement for approximately 1,422.28 acres in Martin County, with Albert J. Gamot, the highest responsive and responsible bidder, with a bid amount of \$34,604.00 annually, as more particularly described herein. (Contract No. 4600003065) (OMC, Ray Palmer, ext. 2246)
21. **Resolution No. 2014 - 0706** Approving a new 10-year lease agreement for approximately 1,202.40 acres In St. Lucie County, with Mancil's Tractor Service Inc., the highest responsive and responsible bidder, with a bid amount of \$26,425.00 annually, as more particularly described herein. (Contract No. 4600003074) (OMC, Ray Palmer, ext. 2246)
22. **Resolution No. 2014 - 0707** Revising Chapter 101, Article II, Division 2, Section 101-41 of the District Policies Code revising delegations to the Executive Director for the taking of final action under Parts II and IV of Chapter 373, Florida Statutes and Chapter 403, Florida Statutes and any Rules promulgated thereunder, providing for inclusion in the District Policies Code; providing for severability; providing an effective date. (REG, Anita Bain, ext. 6866)
23. Adopt amendments to Rule 40E-1.607, F.A.C., for CUPcon with change based on comment received from the Joint Administrative Procedures Committee. (REG, Maria Clemente, ext. 2308)
24. Authorize publication of Notice of Rule Development in the Florida Administrative Register (FAR), and request review by the Office of Fiscal Accountability and Regulatory Reform, to create and implement the newly passed legislation regarding the lobbyist registration process for Water Management Districts, in an effort to provide a uniform system of lobbyist registrations. (OC, Derek Brown, ext. 6278)
25. **Resolution No. 2014 - 0708** Authorizing a settlement agreement for \$836,125, inclusive of \$620,900 for acquisition in fee simple of 62.09 acres, more or less (Tract SG100-132), and \$215,225 for attorney's fees, expert's fees, and costs, for which Save Our Everglades Trust Funds are budgeted, for the Picayune Strand Restoration Project, in Circuit Court case styled VIBID Group, Inc. v. South Florida Water Management District, et al., filed in the 20th Judicial Circuit for Collier County, Florida, Case No. 07-3329-CA. (OC, Keith L. Williams, ext. 2791)
26. **Resolution No. 2014 - 0709** FY14 Budget Amendment Recognizing FY15 State Appropriations. (AS, Candida Heater, ext. 6486)
27. **Resolution No. 2014 - 0710** Authorizing a transfer of funds within the District FY2013-2014 budget to fund District fuel & electric demands as needed to respond to operational requirements. (AS, Candida Heater, ext. 6486).
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 and Construction Division (ext. 2680)
  - B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources Division (ext. 6952)
32. Lower Kissimmee Basin Water Supply Plan Status Update - Cynthia Gefvert, Section Leader, Water Supply Planning (ext. 2610)
33. **Resolution No. 2014 - 0711** Authorizing entering into Amendment No. 1 to the Project Partnership Agreement with the U.S. Department of the Army for construction, operation, maintenance, repair, replacement and rehabilitation of the Indian River Lagoon South Phase 1 Project, a component of the Comprehensive Everglades Restoration Plan; to amend the South Florida Water Management District's construction responsibilities and to update the project cost estimates, for which the South Florida Water Management District will be responsible for 50 percent cost-share; affirming South Florida Water Management District's financial capability to satisfy the obligations of the Non-Federal Sponsor described in the Project Partnership Agreement, as amended, for which funding, if any, is subject to approval of future fiscal year state budgets by the State Legislature and Governor, and District budgets for the Indian River Lagoon South Phase 1 Project by the State Legislature, Governor and District Governing Board. (Contract Number 4600002153-A01) (EPC, Tom Teets, ext. 6993)
34. **Resolution No. 2014 - 0712** Authorize entering into a First Amendment to the Project Cooperation Agreement between the U.S. Army Corps of Engineers and the South Florida Water Management District for construction of modifications to the C-111 Project at a total estimated project cost of \$300,996,000; for which the South Florida Water Management District will be responsible for providing a 50% cost-share; for which South Florida Water Management District is also responsible for performing operations and maintenance with reimbursement by the U.S. Army Corps of Engineers of sixty percent of annual pumping costs; affirming South Florida Water Management District's financial capability to satisfy its obligations as the Non-Federal Sponsor; for which funding, if any, is subject to approval of future fiscal year state budgets by the State Legislature and Governor, and future fiscal year SFWMD budgets by the State Legislature, Governor and Governing Board. (Contract number C-6021/360000228-A01) (EPC, Tom Teets, ext. 6993)
35. **Resolution No. 2014 - 0713** Approving submission of the proposed FY2014-2015 millage rates for the purpose of advising county Property Appraisers for publication on Truth-in-Millage (TRIM) notices. (AS, Doug Bergstrom, ext. 6214)

36. **Resolution No. 2014 - 0714** Authorizing the official ranking of firms and entering into a three-year contract, with two (2) one-year extensions, with Mock, Roos & Associates, Inc.; AECOM Technical Services, Inc.; Stanley Consultants, Inc.; R. J. Behar & Co., Inc.; Atkins North America, Inc.; King Engineering Associates, Inc.; Parsons Environment & Infrastructure Group, Inc.; Hazen and Sawyer PC; CSA Central, Inc.; EAC Consulting, Inc.; Burns and McDonnell Engineering Co., Inc.; CES Consultants, Inc.; T.Y. Lin International; A.D.A. Engineering, Inc.; and Black and Veatch Corporation; subject to successful negotiations to provide professional engineering services for the District OMR&R Project, in an amount not-to-exceed \$75,000,000 for all 15 contracts, for which \$4,000,000 in ad valorem funds are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15-FY20 budgets; providing an effective date. (Contract Number 4600003085, 4600003094, 4600003086, 4600003087, 4600003095, 4600003088, 4600003096, 4600003089, 4600003098, 4600003090, 4600003091, 4600003099, 4600003092, 4600003093, 4600003097) (OMC, John Mitnik, ext. 2679)
37. General Public Comment

## **Staff Reports**

38. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services Division
39. General Counsel's Report - Ed Artau
40. Executive Director's Report - Blake Guillory  
Report on permits issued by authority delegate to the Executive Director from June 1-30, 2014
41. Board Comment

## **Attorney Client Sessions**

### 42. 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)

### 43. 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.

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 South Florida Water Management District v. FEMA, et al., United States District Court, Southern District of Florida, Case No. 13-80533-CIV-Middlebrooks/Brannon. (Edward L. Artau, ext. 6431)

### 44. Attorney Client Session - Montoya Ranch

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. Montoya Ranch, Inc., et al., Circuit Court of the Nineteenth Judicial Circuit in and for Okeechobee County, Florida, Case No. 2012-CA-251-Judge Gary L. Sweet.

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, K. Williams. (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 South Florida Water Management District v. Montoya Ranch, Inc., et al., Circuit Court of the Nineteenth Judicial Circuit in and for Okeechobee County, Florida, Case No. 2012-CA-251-Judge Gary L. Sweet. (Edward L. Artau, ext. 6431)

45. Attorney Client Session - Caloosahatchee

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in Florida Wildlife Federation et al. v. U. S. Army Corps of Engineers et al., United States District Court, Northern District of Florida, Case No. 4:12-cv-00355-RH-CAS.

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, J. Nutt. (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 Florida Wildlife Federation et al. v. U. S. Army Corps of Engineers et al., United States District Court, Northern District of Florida, Case No. 4:12-cv-00355-RH-CAS.

46. Adjourn