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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*

March 14, 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 - Joe Collins, Chairman, Governing Board
2. Pledge of Allegiance - Joe Collins, Chairman, Governing Board
3. Recognition of completion of C-111 Spreader Canal Western Project by the Everglades Foundation - Presented by Gary Lickle, Board of Directors, Everglades Foundation
4. Employee Recognitions - Presented by Melissa Meeker, Executive Director
  - February Employee of the Month: Jack Ismalon, Construction Cost Estimator Lead, Operations, Maintenance & Construction Division
  - February Team of the Month: Hillsboro Canal Bank Stabilization Outreach Team
  - March Employee of the Month: Walter Wilcox, Section Leader, Water

Resources Division

- March Team of the Month: Central Everglades Modeling Team
- 2012 Employee of the Year: Naiming Wang, Principal Hydrologic Modeler, Water Resources Division
- 2012 Team of the Year: Tropical Storm Isaac Response Team

5. Agenda Revisions - Reagan Walker, Director, Office of Governing Board & Executive Services
6. Abstentions by Board Members from items on the Agenda
7. Water Resources Advisory Commission (WRAC) Report - Kevin Powers, Chair
8. Project & Lands Committee Report - Daniel O'Keefe, 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.***

9. Public Comment on Consent Agenda
10. Pull Items for Discussion from Consent Agenda
11. Board Comment on Consent Agenda  
Consent Items
12. Approval of the Minutes for the February 14, 2013, Regular Business meeting held in Orlando, Florida
13. Permit Denials  
Consent Orders  
Conservation Easement Amendments and Releases  
Water Use Variances  
Seminole Tribe Work Plans
14. Right of Way Occupancy New Permits  
Right of Way Occupancy Permit Modifications  
Right of Way Occupancy Permit Requests with Waiver of District Criteria
15. Waivers for Water Resources Advisory Commission (WRAC) Members pursuant to Section 112.313, Florida Statutes
16. **Resolution No. 2013 - 0301** A Resolution of the Governing Board of the South Florida Water Management District concurring with the decision to reject all proposals submitted in response to Request for Proposal 600000534 and the decision to cancel the Outdoor Public Information Systems Project; providing an effective date. (OC, Frank Mendez, ext. 6260)
17. **Resolution No. 2013 - 0302** A Resolution of the Governing Board of the South Florida Water Management District amending the Fiscal Year 2012-13 budget; providing an effective date. (AS, Doug Bergstrom, ext. 6214)

18. Authorize publication of Notice of Proposed Rule in the Florida Administrative Register to amend Rules 40E-7.669; 40E-7.670; 40E-7.671; 40E-7.672; 40E-7.674; 40E-7.675 and 40E-7.677 F.A.C., regarding the District's procurement process as it relates to the Small Business Enterprise rule, and request review by the Office of Fiscal Accountability and Regulatory Reform. (AS, Dorothy Bradshaw, ext. 2823)
19. Authorize publication of Notice of Proposed Rule in the Florida Administrative Register to amend or repeal portions of Chapters 40E-0, 40E-1, 40E-4, 40E-41, and 40E-400 F.A.C., to repeal Chapter 40E-40 and to amend and rename the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, in accordance with the Department of Environmental Protection's (DEP's) statewide effort to improve consistency among the water management districts' and the DEP's Environmental Resource Permitting programs, and request review by the Office of Fiscal Accountability and Regulatory Reform. (REG, Anita Bain, ext. 6866)
20. Authorize publication of Notice of Proposed Rule in the Florida Administrative Register to amend Rules 40E-6.011, 40E-6.021, 40E-6.031, 40E-6.041, 40E-6.051, 40E-6.091, 40E-6.201, 40E-6.221, 40E-6.321, 40E-6.331, 40E-6.341, 40E-6.351, 40E-6.361, 40E-6.381, 40E-6.451, 40E-6.481, 40E-6.501, 40E-6.521, and 40E-6.601, F.A.C., repeal Rules 40E-6.101, 40E-6.121, 40E-62.011, 40E-62.020, 40E-62.021, 40E-62.023, 40E-62.041, 40E-62.042, 40E-62.043, 40E-62.051, 40E-62.101, 40E-62.301, 40E-62.321, 40E-62.331, 40E-62.341, 40E-62.351, 40E-62.381, and 40E-62.651, F.A.C., and to add new rules 40E-6.701, 40E-6.711, 40E-6.721, 40E-6.731, 40E-6.741 and 40E-6.751, F.A.C., and the materials incorporated by reference in Rule 40E-6.091, F.A.C., regarding the Right of Way Permitting Program for Works and Lands of the District, and request review by the Office of Fiscal Accountability and Regulatory Reform. (OMC, Jorge Patino, ext. 6175)
21. Authorize publication of Notice of Rule Development in the Florida Administrative Register to amend 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 in Chapter 40E-7, F.A.C., regarding public access and recreational use of District lands, and submit to the Office of Fiscal Accountability and Regulatory Reform for review. (OMC, Dan Cotter, ext. 2301)

22. **Resolution No. 2013 - 0303** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year cost share agreement with Lee County for the Four Corners Area Hydrologic Restoration in the amount of \$205,000, for which \$175,964 in dedicated funds (Save Our Everglades Trust Fund and State Appropriation Funds) are budgeted for FY13 and the remaining \$29,036 in dedicated funds (State Appropriations) is subject to Governing Board approval of an amendment of the FY13 budget and approval by the Executive Office of the Governor; providing an effective date. (Contract Number 4600002828) (EPC, Nestor Garrido, Ext. 6908)
23. **Resolution No. 2013 - 0304** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year cost share agreement with the Grove Land Utility, LLC, for the Grove Land Reservoir/Stormwater Treatment Area Public/Private Partnership in the amount of \$175,000, for which \$125,000 in State appropriations is budgeted and \$50,000 is unbudgeted, and authorize a transfer of ad valorem funds in the amount of \$25,000 from the Operations and Maintenance program in the Engineering & Construction Bureau to the Coastal Watersheds Program in the Office of Everglades Policy & Coordination and the remaining \$25,000 in dedicated funds from St. Johns River Water Management District is subject to Governing Board approval of an amendment of the FY13 budget and approval by the Executive Office of the Governor; providing an effective date. (Contract Number 4600002831) (EPC, Kathy LaMartina, ext. 6594)
24. **Resolution No. 2013 - 0305** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year cost share agreement with the Treasure Coast Resource Conservation & Development Council for the Heathcote Park/ Virginia Avenue Canal Stormwater Retrofit in the amount of \$359,189, for which State appropriations are budgeted for FY13; providing an effective date. (Contract Number 4600002830) (EPC, Kathy LaMartina, ext. 6594)
25. **Resolution No. 2013 - 0306** A Resolution of the Governing Board of the South Florida Water Management District approving the conveyance of fee owned right of way interests containing 0.86 acres, more or less, to the City of Oakland Park at no cost; being a portion of the C-13 right of way, in Section 20, Township 49 South, Range 42 East, Broward County, and approve waiver of the reservation of rights pursuant to Section 270.11, Florida Statutes, subject to satisfaction of certain terms, conditions and requirements; providing an effective date. (OMC, Kathy Massey, ext. 6835)
26. **Resolution No. 2013 - 0307** A Resolution of the Governing Board of the South Florida Water Management District, approving a ten year parking lease agreement with Villas of Pinecrest Condominium Association, Inc. (Contract No. 4600002820) in the amount of \$182,510 in Miami-Dade County; providing an effective date. (OMC, Dawn West, ext. 6947)

27. **Resolution No. 2013 - 0308** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a Memorandum of Understanding between the South Florida Water Management District, Miami-Dade County, and the cities of Miami, West Miami and Sweetwater, defining the operation of main pump station pumps discharging into the C-4 Canal; providing an effective date. (Contract Number 4600002824) (OMC, Tommy Strowd, ext. 6998)
28. **Resolution No. 2013 - 0309** 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 McIntyre Maintenance, Inc., the lowest responsive and responsible bidder for Flat Mowing Services in the Homestead Field Station area, in the amount of \$480,000, of which \$160,000 in ad valorem funds are budgeted in FY13 and the remainder is subject to Governing Board approval of the FY14 and FY15 budgets; providing an effective date. (OMC, Chris Miranda, ext. 7014)
29. **Resolution No. 2013 - 0310** A Resolution of the Governing Board of the South Florida Water Management District to authorize issuing a Purchase Order with Governor Control Systems (GCS) for the purchase of Oil Filtration Units and authorize a Waiver of Competition as an exception to the general standards of competition for Pump Station Engines in the amount of \$261,768, for which ad valorem funds are budgeted in FY13; providing an effective date. (Purchase Order Number 4500073536) (OMC, Brian Rhoades, ext. 6245)
30. **Resolution No. 2013 - 0311** A Resolution of the Governing Board of the South Florida Water Management District transmitting a supplemental agency report on matters within its jurisdiction to the Florida Department of Environmental Protection on third parties' alternate electric transmission line corridors for Florida Power and Light Company's Turkey Point Units 6 & 7 project, and authorizing staff to work with Florida Power and Light and the Department to reach final agreement on certification conditions for the Turkey Point Units 6 & 7 project; providing an effective date. (WR, Seán Sculley, ext. 6109)
31. Board Vote on Consent Agenda
32. General Public Comment

## **Workshop**

33. Technical Reports
  - A) Water Conditions Report - Tommy Strowd, Division Director, Operations, Maintenance & Construction Division (ext. 6998)
  - B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources Division (ext. 6952)
34. Central Everglades Planning Project Update - Ernie Barnett, Director, Office of Everglades Policy & Coordination (ext. 2110)
35. C-51 Conceptual Plan Update - Ernie Barnett, Director, Everglades Policy and Coordination (ext. 2110)
36. Overview of Alternative Treatment Technologies - Kim O'Dell, Environmental Scientist Supervisor, Water Resources Division (ext. 2650)
37. Tropical Storm Isaac After Action Assessment - Lucine P. Dadrian, Section Administrator, Project Development Section, Operations, Maintenance & Construction Division (ext. 2685)

## Discussion Agenda

38. Authorize publication of Notice of Proposed Rule in the Florida Administrative Register (FAR) to amend Rules 40E-2.091, 40E-10.021, 40E-10.031 40E-10.041, 40E-10.051, and new Rule 40E-10.061, F.A.C., to establish a water reservation and criteria for protection of fish and wildlife in Nearshore Central Biscayne Bay, and to request review by the Office of Fiscal Accountability and Regulatory Reform. (WR, Don Medellin, ext. 6340)
39. **Resolution No. 2013 - 0312** A Resolution of the Governing Board of the South Florida Water Management District approving an amendment to the U.S. Sugar Corporation (US Sugar) lease of the Southern Gardens parcel, to phase out the citrus lease by 2018, and to provide for US Sugar to pay rent to the District commencing October 1, 2013, in the amount of \$25 per acre per year for the remaining approximate 9,148 farmable citrus acres located in Hendry County; providing an effective date. (Contract Number 4600002268-A01) (OMC, Ray Palmer, ext. 2246)
40. **Resolution No. 2013 - 0313** A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Archaeological Consultants, Inc., one of three firms selected for Comprehensive Archaeological Historical Surveys and Services, which includes advanced subsurface testing, analysis and interpretation of archaeological artifacts and historical resources and development of mitigation plans, under Request for Proposal 6000000557, for which the total not-to-exceed amount for the three contracts to be awarded is \$5,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002816) (EPC, Tom Teets, Ext. 6993)
41. **Resolution No. 2013 - 0314** A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Southeastern Archaeological Research, Inc., one of three firms selected for Comprehensive Archaeological Historical Surveys and Services, which includes advanced subsurface testing, analysis and interpretation of archaeological artifacts and historical resources and development of mitigation plans, under Request for Proposal 6000000557, for which the total not-to-exceed amount for the three contracts to be awarded is \$5,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002815) (EPC, Tom Teets, Ext. 6993)

42. **Resolution No. 2013 - 0315** A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Janus Research, Inc., one of three firms selected for Comprehensive Archaeological Historical Surveys and Services, which includes advanced subsurface testing, analysis and interpretation of archaeological artifacts and historical resources and development of mitigation plans, under Request for Proposal 6000000557, for which the total not-to-exceed amount for the three contracts to be awarded is \$5,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002814) (EPC, Tom Teets, ext. 6993)
43. **Resolution No. 2013 - 0316** A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Janus Research, Inc., one of three firms selected for Cultural Resources Reconnaissance Surveys, which includes monitoring and training services, under Request for Proposal 6000000558, for which the total not-to-exceed amount for the three contracts to be awarded is \$2,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002817) (EPC, Tom Teets, ext. 6993)
44. **Resolution No. 2013 - 0317** A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Southeastern Archaeological Research, Inc., one of three firms selected for Cultural Resources Reconnaissance Surveys, which includes monitoring and training services, under Request for Proposal 6000000558, for which the total not-to-exceed amount for the three contracts to be awarded is \$2,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002818) (EPC, Tom Teets, ext. 6993)
45. **Resolution No. 2013 - 0318** A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Archaeological Consultants, Inc., one of three firms selected for Cultural Resources Reconnaissance Surveys, which includes monitoring and training services, under Request for Proposal 6000000558, for which the total not-to-exceed amount for the three contracts to be awarded is \$2,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002819) (EPC, Tom Teets, ext. 6993)

46. General Public Comment

## **Staff Reports**

47. Monthly Financial Statement - Doug Bergstrom, Division Director,  
Administrative Services Division
48. General Counsel's Report - Carolyn S. Ansay
49. Executive Director's Report - Melissa L. Meeker  
Report on permits issued by authority delegated to the Executive Director  
from February 1-28, 2013
50. Board Comment

## **Attorney Client Sessions**

### 51. 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 S. Batchelor, J. Collins, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director M. Meeker; 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)

### 52. 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 Lake Point Phase I, LLC, and Lake Point Phase II, LLC v. South Florida Water Management District, et al., 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Florida, Case No. 502013CA002122XXXXMBAD.

ATTENDEES: Governing Board Members S. Batchelor, J. Collins, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director M. Meeker; District attorneys C. Ansay, K. Burns, J. Collier, A. Cooper, 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 Lake Point Phase I, LLC, and Lake Point Phase II, LLC v. South Florida Water Management District, et al., 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Florida, Case No. 502013CA002122XXXXMBAD. (Carolyn S. Ansay, ext. 6976)

### 53. Adjourn