



---

## South Florida Water Management District

---

### GOVERNING BOARD MONTHLY MEETING EXECUTIVE SUMMARY AGENDA

*This meeting is open to the public*

September 11, 2014

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

FINAL REVISED 09/10/2014 4:02 PM

*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 -  
**SUPPORTING DOCUMENTS ADDED**
  - July Employee of the Month: Clay Brown, Lead Engineer, Water Resources Division
  - September Employee of the Month: Megan Jacoby, Restoration Project Liaison, Office of Everglades Policy and Coordination
  - September Team of the Month: STA 1W Land Swap Initiative Team

- 25-Year Service Award: Steve Sentes, Lead Regulatory Professional, Office of Everglades Policy and Coordination
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
  7. 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.***

8. Public Comment on Consent Agenda
9. Pull Items for Discussion from Consent Agenda
10. Board Comment on Consent Agenda
11. Approval of the Minutes for the August 14, 2014 Regular Business Governing Board meeting held in West Palm Beach, Florida.
12. Waivers for Water Resource Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes.
13. Regulatory Consent Items
  - Consent Orders
    - **Acosta Farms, Inc.; Acosta Farms (Miami-Dade County)** - Settlement of an enforcement action regarding unpermitted water use for agricultural irrigation.
    - **Sigma Bay Investments, LLC; Sigma Bay (Miami-Dade County)** - Settlement of an enforcement action regarding unpermitted water use for agricultural irrigation.
    - **Lionel J. Gray; Lionel Gray Property (Palm Beach County)** - Settlement of an enforcement action regarding unpermitted construction and unauthorized clearing, dredging and filling of wetlands.
    - **Domani Development, LLC; North Palm Beach Water Club (Palm Beach County)** - Settlement of an enforcement action regarding unpermitted filling and grading.
  - Conservation Easements, Amendments and Releases
    - **The Bears Club Development Company, The Bears Club Wetland Slough Number 3 Buffer (Palm Beach County)** - Staff recommends the approval of a request for the release of .316 acre of upland buffer within an existing .316 acre conservation easement located within the Bear's Club development in Palm Beach County. A permit modification has been requested to release this portion of the upland buffer and designate an existing upland area in a different location within the project as a buffer.

14. **Resolution No. 2014 - 0901** Approve release of canal and road reservations and issuance of a non-use commitment. (OMC, Kathy Massey, ext. 6835)

**Summary**

The District has jurisdiction over certain reserved rights to construct canal and road right of ways, and mineral rights, together with the right of ingress, egress and exploration. Applications requesting releases of these reservations are routinely received from landowners, attorneys, title companies and lending institutions, who consider the reservations to be title defects. Applications are reviewed by appropriate District staff and applicable local governmental agencies to determine that there is no present or future need for the reservations.

**Staff Recommendation**

Staff recommends approval of the following:

- Release of Trustees canal reservations for Arrieta Landscaping Corp., a Florida dissolved corporation, (File No. 6-14-1) for 5.00 acres in Miami-Dade County
- Release of Trustees canal reservations, District canal and road reservations, and issuance of non-use commitment, for Francisco Llerena, Daisy Gorra and Gisela Vigo, as joint tenants with rights of survivorship, (File Nos. 6-14-2, 18592 and NUC 1653) for 2.50 acres in Miami-Dade County
- Release of Trustees canal reservations for Two Sisters Nursery, Inc., a Florida corporation, (File No. 7-14-1) for 6.97 acres in Miami-Dade County
- Release of Trustees canal reservations for Arthur I. Gilbert, (File No. 7-14-2) for 3.71 acres in Miami-Dade County
- Release of District canal reservations for Guillermo Salazar, a single man, (File No. 18596) for 1.94 acres in Miami-Dade County

15. **Resolution No. 2014 - 0902** Approve the release of a portion of the L-50 Right of Way Easement to the Trustees of the Internal Improvement Trust Fund, containing 0.06 acres, more or less, in Section 24, Township 40 South, Range 32 East, Glades County, at no cost. (OMC, Kathy Massey, ext. 6835)

**Summary**

The Trustees of the Internal Improvement Trust Fund (TIITF) has requested that a 0.06+/- acre portion of the L-50 right of way be released. The parcel is located in Section 24, Township 40 South, Range 32 East, Glades County. The release is being requested to clear up an encroachment within the right of way. TIITF is the underlying fee title owner. District staff has reviewed this request to determine that sufficient right of way will remain for operations and maintenance of the levee.

**Staff Recommendation**

Approve the release of a portion of the L-50 right of way Easement, containing 0.06 acres, more or less, located in Section 24, Township 40 South, Range 32 East, Glades County, to the Trustees of the Internal Improvement Trust Fund at no cost, and waive the application fee.

16. **Resolution No. 2014 - 0903** Approving a one year cost share agreement with the Everglades Agricultural Area Environmental Protection District for Stormwater Treatment Area optimization support, in the amount of \$780,000, of which the District's total contribution is \$400,000, subject to Governing Board approval of the FY2015 budget. (Contract No. 4600003125) (WR, Kim O'Dell, ext. 2650) - **SUPPORTING DOCUMENTS MODIFIED**

**Summary**

Continuing assessment of the environmental condition within the Stormwater Treatment Areas (STAs) and scientific investigations to better understand the phosphorus removal mechanisms are necessary to provide input in operating and managing these complex treatment wetlands.

This one-year cost-share STA Optimization Support agreement with the Everglades Agricultural Area Environmental Protection District (EAA EPD) provides for a research technical team to be formed by the parties, and for joint funding of research priorities to further the common interests and collaborative efforts of the District and the EAA EPD, in the amount of \$780,000, of which the District's total contribution is \$400,000, subject to Governing Board approval of the FY15 budget.

**Staff Recommendation**

Staff recommends approval to enter into this cost share agreement with the Everglades Agricultural Area Environmental Protection District for Stormwater Treatment Area optimization support.

17. **Resolution No. 2014 - 0904** Authorize entering into an Interagency Agreement between the South Florida Water Management District (SFWMD) and the Southwest Florida Water Management District (SWFWMD) for designation of regulatory responsibility for permitting under Part II of Chapter 373, Florida Statutes, for the project known as Kickin Tires Ranch that crosses the jurisdictional boundaries of both Water Management Districts. (REG, Maria Clemente, ext. 2308)

**Summary**

The SFWMD received a water use permit application for an agricultural project in Polk County, Florida known as Kickin Tires Ranch. However, the project crosses water management district boundaries. In order to issue a single permit for the entire project, an interagency agreement is necessary to delegate SFWMD's Part II, Chapter 373, F.S., jurisdiction and responsibility to SWFWMD.

**Staff Recommendation**

Approve an Interagency Agreement between SWFWMD and SFWMD authorizing SWFWMD to issue any Water Use Permits under Part II of Chapter 373, F.S., for the portion of Kickin Tires Ranch that lies within the boundaries of SFWMD.

18. Enter a Final Order concurring with the Executive Director's emergency authorization issued to Florida Power and Light for the purpose of authorizing temporary pump installation and water withdrawal along and from the L-31E Canal System; Miami-Dade County, Florida. (WR, Terrie Bates, ext. 6952)

**Summary**

On August 27, 2014, Florida Power and Light requested the District issue an Emergency Order for temporary authorization to utilize the District's right of way and to divert and use water, above that reserved in Rule 40E-10.061, F.A.C., from the L-31E Canal System to help moderate unusually high temperatures and salinity that are occurring in the Turkey Point Cooling Canal System. Based upon information provided by FPL and technical evaluation provided by District staff and in order to protect the public health, safety, and welfare pursuant to Section 373.119(2), F.S., and associated rules, the Executive Director determined that an emergency existed and the Emergency Order was necessary. On August 28, 2014, the District's Executive Director issued SFWMD No. 2014-078-DAO-WU/ROW/ERP, an "Emergency Final Order issued to Florida Power and Light for the purpose of

authorizing temporary pump installation and water withdrawal along and from the L-31E Canal System; Miami-Dade County, Florida.” The Order includes specific conditions governing the temporary use of the District’s Right of Way; provisions for daily determination and authorization of water withdrawals and pump operations to ensure that only water over and above the amounts reserved for Biscayne Bay are used; termination of the Order on October 15, 2014; and removal of all facilities upon termination of the Order.

**Staff Recommendation:**

Staff recommends the Governing Board enter a Final Order concurring with the Executive Director’s emergency authorization issued to Florida Power and Light for the purpose of authorizing temporary pump installation and water withdrawal along and from the L-31E Canal System; Miami-Dade County, Florida.

19. Enter a Final Order Approving the 2014 Lower Kissimmee Basin Water Supply Plan. (WR, Cynthia Gefvert, ext. 2610)

**Summary**

Regional water supply plans are required to be updated at least every five years pursuant Chapter 373, F.S. With the advent of the Central Florida Water Initiative, the Kissimmee Basin was divided into the Upper Basin, which is part of the CFWI, and the Lower Kissimmee Basin (LKB) which includes portions of Okeechobee, Highlands and Glades counties. This *2014 Lower Kissimmee Basin Water Supply Plan* builds on the previous Kissimmee Basin plans.

The LKB Plan provides demand projections through 2035, and identifies sources to meet these demands pursuant to Chapter 373, F.S. The 2014 LKB Plan concludes that the future water needs of the LKB Planning Area can continue to be met through the 2035 planning horizon with appropriate management and continued development of available groundwater sources. The Draft Plan was released for public review in mid-June and comments were received and considered in the final plan draft.

**Staff Recommendation**

Staff recommends the Governing Board issue a final order approving the 2014 LKB Water Supply Plan.

20. **Resolution No. 2014 - 0905** Authorizing an amendment to cooperative agreement (4600002335) with the United States Geological Survey Florida Integrated Science Center (Orlando), for ground water, surface water, and evapotranspiration data in the amount of \$228,219.00 in ad valorem funds subject to Governing Board approval of the FY15 budget. (OEC, Jeff Kivett, ext. 2680)

**Summary**

Over the past 60 years, the District and the U.S. Geological Survey (USGS) have partnered on collecting groundwater and surface water data for incorporation into the District’s Data Management system, DBHydro. This Agreement continues that partnership for an additional one year period. It will allow the District to count on continued groundwater and surface water monitoring support from the USGS. These data support various District programs related to ecosystems restoration, water supply, regulatory requirements and baseline monitoring. The monitoring support provided by USGS assists the Districts efforts at assessing water resources available, changes in flow trends due to structural changes in the system and their impact on water quality issues. The data is particularly useful in the assessment of

environmental compliance of waters being discharged into Lake Okeechobee and the Everglades Protection Area with state water quality standards.

Continuing this agreement will insure continuity of the monitoring work that the USGS has partially funded for the sites listed in the statement of work of the agreement. The monitoring work includes the collection of monthly, quarterly, semi-annual, continuous recorder and satellite telemetry data from ten (10) surface water stations, one (1) evapo-transpiration station, and ground-water level data from twenty five (25) groundwater stations. Data are archived in the USGS's national database, and then transferred to the District via direct computer link on a monthly or as-needed basis.

**Staff Recommendation**

Staff recommends approval to enter into a 365 day cooperative agreement in the amount of \$228,219.00 with the United States Geological Survey (USGS) for the collection of ground-water, surface-water, and Evapotranspiration (ET) data.

21. **Resolution No. 2014 - 0906** Authorize entering into a three-year contract with two (2) one-year renewal options with James L. King and Associates, Inc., the lowest responsive and responsible bidder, for Flat Mowing Services in the Okeechobee Field Station area, in the amount of \$860,618.25 in ad valorem funds subject to Governing Board approval of FY15, FY16 and FY17 budgets. (Contract Number 4600003120) (FOLM, Karen Estock, ext. 6282)

**Summary**

Maintenance of the Right of Ways is required to ensure that vegetation is controlled at a manageable height and will uphold the operational integrity of the District's flood control system. This project for the Okeechobee Field Station area, will contract approximately 19,449 acres to be mowed on an annual basis. The lowest responsive and responsible bidder is James L. King & Associates, Inc., at \$14.75 per acre. Since this is a work order contract, the amount of acres to be mowed will fluctuate, based on the weather, budget, and construction projects in these areas.

**Staff Recommendation**

Staff recommends authorizing the approval of Contract Number 4600003120, as this item supports continual operations and maintenance of the District canal system. If not mowed and maintained, these areas would become a potential hazard to the public as well as District employees.

22. **Resolution No. 2014 - 0907** Authorizing to enter into an amended and restated agreement with Lykes Brothers, Inc. for the West Waterhole Pasture Florida Ranchlands Environmental Services Pilot Project to extend the term of the agreement by two years and increase the funding in the amount of \$940,476.20, subject to Governing Board approval of the FY15 and FY16 budgets. (Contract No. OT061107/3600001161) (EPC, Beth Lewis, ext. 6343)

**Summary**

On April 12, 2006 the parties entered into agreement number OT061107 to design and implement a water management alternative ("WMA") Pilot Project to provide water storage and water quality treatment in a 2,500 acre detention area of Lykes property known as the West Waterhole Pasture Pilot Project. The agreement was later renumbered as OT061107/3600001161. Since that time the Parties have executed amendments to the agreement to modify payment amounts and extend the term of the agreement. The West Waterhole Pasture Pilot Project has been

operating since 2008 and has successfully stored and treated stormwater consistent with the project goals. In 2013, the project removed from the regional system (C-40 Canal) 6.4 metric tons of TP (87% removal efficiency), 16.12 metric tons of TN (30% removal efficiency), and 2.6 billion gallons (7,955 acre-feet) of excess stormwater. The Parties wish to extend the agreement and continue the WMA water storage and treatment project. Highlands County Soil and Water Conservation District ("HSWCD") was a party to the original agreement and amendments and acted as an administrator for the Pilot Project. HSWCD is not a party to this amended and restated agreement. This amended and restated agreement supersedes and replaces the original agreement and all its amendments.

**Staff Recommendation**

Staff recommends authorization to enter into an amended and restated agreement with Lykes Brothers, Inc. for the West Waterhole Pasture Florida Ranchlands Environmental Services Pilot Project to extend the term of the agreement by two years and increase the funding in the amount of \$940,476.20, subject to Governing Board approval of the FY15 and FY16 budgets.

23. Authorize publication of Notice of Proposed Rule in the Florida Administrative Register, request review by the Office of Fiscal Accountability and Regulatory Reform, and adopt new Rule 40E-1.800, Florida Administrative Code (provided no changes are made and no request for hearing is timely received), to 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)

**Summary:**

The State of Florida Water Management Districts (WMDs), in conjunction with the Florida Department of Environmental Protection (DEP), have worked together to implement consistency in the registration of lobbyists before the WMDs. The rule will establish procedures for registering to lobby the South Florida Water Management District (District). The rule will also adopt two forms for use in registration, changing information, renewing registration, and cancelling registration; along with incorporation of a business classification system for the principals of the registering lobbyists.

**Staff Recommendation:**

Staff is recommending the following actions by the Governing Board: Authorize publication of Notice of Proposed Rule in the Florida Administrative Register, request review by the Office of Fiscal Accountability and Regulatory Reform, and adopt new Rule 40E-1.800, Florida Administrative Code (provided no changes are made and no request for hearing is timely received), to implement the newly passed legislation regarding the lobbyist registration process for WMDs, in an effort to provide a uniform system for lobbyist registration.

24. **Resolution No. 2014 - 0908** Approving an amendment to the Fiscal Year 2013-14 budget. (AS, Candida Heater, ext. 6486)

**Summary**

As noted in the August amendment request for \$1M, the health insurance claims continue to trend higher than projected, therefore an additional amendment has become necessary before the end of this fiscal year. This amendment request is to recognize additional revenues in the amount of \$1.5 million from FY2013-2014 ad valorem revenue collection in excess of the FY2013-2014 budget. Expenditure

trends for the first three quarters of FY2013-2014 indicate that there is insufficient budget for the remainder of the fiscal year. Internal Service Funds are used to account for District activities that provide services to other funds and organizational units on a cost reimbursement basis. The Health Benefits Fund accounts for the operations related to providing health and medical insurance coverage to District employees and retirees who choose to remain in the plan. Revenue is provided through interfund charges and employee and retiree contributions.

This amendment will increase the FY2013-14 budget by \$3 million.

**Staff Recommendation**

Staff recommends Governing Board approval of this budget amendment.

25. **Resolution No. 2014 - 0909** Authorize entering into a Purchase Order with A.L. Jackson and Company, PA for three Enterprise Resource Planning (ERP) contractors, for the time period October 1, 2014 through September 30, 2015, using the State of Florida Contract #973-561-10-1, in the amount of \$677,881 for which ad valorem funds are subject to Governing Board approval of the FY15 budget. (AS, Doug Bergstrom, ext. 6214)

**Summary**

This is a request to continue the services of two ERP Programmer Analysts and one ERP Team Lead supporting SAP for the time period October 1, 2014 - September 30, 2015 in the amount of \$677,881. These services will be procured from A.L. Jackson and Company, PA using the State of Florida Contract #973-561-10-1.

**Staff Recommendation**

Staff recommends approving the issuance of a purchase order to A.L. Jackson and Company, PA for two ERP Programmer Analysts and one ERP Team Lead, for the time period October 1, 2014 - September 30, 2015, using the State of Florida Contract #973-561-10-1, in the amount of \$677,881 for which ad valorem funds are subject to Governing Board approval of the FY15 budget.

26. **Resolution No. 2014 - 0910** Authorize entering into a Purchase Order with Dyntek Services, Inc. for the annual renewal of Symantec storage software maintenance and upgrades, for the time period December 1, 2014 through November 30, 2015, using the United States General Services Administration (GSA) Schedule #GS-35F-0119Y, in the amount of \$192,512 for which ad valorem funds are subject to Governing Board approval of the FY15 budget. (AS, Doug Bergstrom, ext. 6214)

**Summary**

This is the annual renewal of the Symantec Corporation (Veritas) software maintenance in the amount of \$192,512. The time period for support is December 1, 2014 through November 30, 2015. This maintenance will be procured from Dyntek Services, Inc. using the United States General Services Administration (GSA) Schedule #GS-35F-0119Y.

**Staff Recommendation**

Staff recommends approving a purchase order with Dyntek Services, Inc. for the annual renewal of Symantec storage software maintenance and upgrades, for the time period December 1, 2014 - November 30, 2015, using the United States General Services Administration (GSA) Schedule #GS-35F-0119Y, in the amount of \$192,512 for which ad valorem funds are subject to Governing Board approval of the

FY15 budget.

27. **Resolution No. 2014 - 0911** Authorize entering into a Purchase Order with an EMC Corporation authorized reseller for the annual renewal of the EMC Corporation hardware and software, for the time period November 1, 2014 through October 31, 2015, using governmental contract pricing, in the amount of \$258,571 for which ad valorem funds are subject to Governing Board approval of the FY15 budget. (AS, Doug Bergstrom, ext. 6214)

**Summary**

This is the annual renewal of the EMC Corporation infrastructure hardware and software maintenance in the amount of \$258,571. The time period for support is November 1, 2014 through October 31, 2015 and will be procured through an EMC Corporation authorized reseller using governmental contract pricing.

**Staff Recommendation**

Staff recommends approving a purchase order for the annual renewal of EMC Corporation infrastructure hardware and software maintenance, for the time period November 1, 2014 - October 31, 2015, through an EMC Corporation authorized reseller, in the amount of \$258,571 for which ad valorem funds are subject to Governing Board approval of the FY15 budget.

28. **Resolution No. 2014 - 0912** Authorize entering into a Purchase Order with GDKN Corporation for a Data Warehouse Analyst, for the time period October 1, 2014 through September 30, 2015, using the State of Florida Contract #973-561-10-1, in the amount of \$200,431 for which ad valorem funds are subject to Governing Board approval of the FY15 budget. (AS, Doug Bergstrom, ext. 6214)

**Summary**

This is a request to continue the services of a Data Warehouse Analyst supporting SAP for the time period October 1, 2014 - September 30, 2015 in the amount of \$200,431. These services will be procured from GDKN Corporation using the State of Florida Contract #973-561-10-1.

**Staff Recommendation**

Staff recommends approving a purchase order to GDKN Corporation for a Data Warehouse Analyst, for the time period October 1, 2014 - September 30, 2015, using the State of Florida Contract #973-561-10-1, in the amount of \$200,431 for which ad valorem funds are subject to Governing Board approval of the FY15 budget.

29. **Resolution No. 2014 - 0913** Authorize entering into a Purchase Order with Mythics, Inc. for the annual renewal of the Oracle software maintenance and upgrades, for the time period October 25, 2014 through October 24, 2015, using the United States General Services Administration (GSA) Schedule #GS-35F-0153M, in the amount of \$942,578 for which ad valorem funds are subject to Governing Board approval of the FY15 budget. (AS, Doug Bergstrom, ext. 6214)

**Summary**

This is the annual renewal of the Oracle software maintenance in the amount of \$942,578. The time period for support is October 25, 2014 through October 24, 2015. This support will be procured from Mythics, Inc. using the United States General Services Administration (GSA) Schedule #GS-35F-0153M.

**Staff Recommendation**

Staff recommends approving a purchase order with Mythics, Inc. for the annual renewal of Oracle software maintenance and upgrades, for the time period October 25, 2014 - October 24, 2015, using the United States General Services Administration (GSA) Schedule #GS-35F-0153M, in the amount of \$942,578 for which ad valorem funds are subject to Governing Board approval of the FY15 budget.

30. **Resolution No. 2014 - 0914** Authorize entering into a Purchase Order with Oracle Corporation for the annual renewal of the Sun Microsystems server, storage, and peripheral hardware maintenance, for the time period November 1, 2014 through October 31, 2015, in the amount of \$280,384 for which ad valorem funds are subject to Governing Board approval of the FY15 budget. (AS, Doug Bergstrom, ext. 6214)

**Summary**

This is the annual renewal of the Sun Microsystems (Oracle Corporation) hardware maintenance in the amount of \$280,384. The time period for support is November 1, 2014 through October 31, 2015. This support will be procured directly from the manufacturer Oracle Corporation. Oracle Corporation purchased Sun Microsystems.

**Staff Recommendation**

Staff recommends approving a purchase order with Oracle Corporation for the annual renewal of Sun Microsystems server, storage, and peripheral hardware maintenance, for the time period November 1, 2014 - October 31, 2015, in the amount of \$280,384 for which ad valorem funds are subject to Governing Board approval of the FY15 budget.

31. **Resolution No. 2014 - 0915** Authorize entering into a Purchase Order with a Cisco Systems authorized reseller for the annual renewal of the Cisco Systems hardware and software maintenance, for the time period November 1, 2014 through October 31, 2015, using governmental contract pricing, in the amount of \$352,405 for which ad valorem funds are subject to Governing Board approval of the FY15 budget. (AS, Doug Bergstrom, ext. 6214)

**Summary**

This is the annual renewal of the Cisco Systems network hardware and software maintenance in the amount of \$352,405. The time period for support is November 1, 2014 through October 31, 2015 and will be procured through a Cisco Systems authorized reseller using governmental contract pricing.

**Staff Recommendation**

Staff recommends approving a purchase order for the annual renewal of Cisco Systems network hardware and software maintenance, for the time period November 1, 2014 - October 31, 2015, through a Cisco Systems authorized reseller, in the amount of \$352,405 for which ad valorem funds are subject to Governing Board approval of the FY15 budget.

32. **Resolution No. 2014 - 0916** Authorize entering into a Purchase Order with SAP Public Services, Inc. for software maintenance and upgrades, for the time period October 1, 2014 through September 30, 2015, in the amount of \$592,000 for which ad valorem funds are subject to Governing Board approval of the FY15 budget. (AS, Doug Bergstrom, ext. 6214)

**Summary**

This is the annual renewal of the SAP software maintenance in the amount of \$592,000. The time period for support is October 1, 2014 through September 30, 2015. This support will be procured directly from the manufacturer SAP.

**Staff Recommendation**

Staff recommends approving a purchase order with SAP for the annual renewal of SAP software maintenance and upgrades, for the time period October 1, 2014 - September 30, 2015, in the amount of \$592,000 for which ad valorem funds are subject to Governing Board approval of the FY15 budget.

33. **Resolution No. 2014 - 0917** Authorize an amendment to increase the funding for Toshiba Business Solutions Multi-Function Devices Contract #4600002336, for the time period October 1, 2014 through November 8, 2015, in the amount of \$366,708 for which ad valorem funds are subject to Governing Board approval of the FY15 and FY16 budgets. (AS, Doug Bergstrom, ext. 6214)

**Summary**

This request is to increase the Toshiba Business Solutions Multi-Function Devices Contract in the amount of \$366,708. This additional funding will provide services for the time period October 1, 2014 through November 8, 2015.

**Staff Recommendation**

Staff recommends approving an increase to the Toshiba Business Solutions Multi-Function Devices Contract in the amount of \$366,708 for the time period October 1, 2014 - November 8, 2015 for which ad valorem funds are budgeted and subject to Governing Board approval of the FY15 and FY16 budgets.

34. Board Vote on Consent Agenda
35. General Public Comment
36. Board Comment

## **Discussion Agenda**

### 37. 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)

### 38. **Resolution No. 2014 - 0918** Approving a Cooperative Funding Program that provides cost-share funding to local governments and other organizations for priority stormwater management and alternative water supply projects aligned with the District's core mission. (EXO, Blake Guillory, ext. 6302)

#### **Summary**

The Cooperative Funding Program provides a mechanism for District cost-share funding of priority stormwater and alternative water supply (AWS) construction projects. The Governing Board will establish priority considerations that are aligned with the District's core mission. A single, annual solicitation is proposed for both project types. Program funds would be budgeted each year and allocated between stormwater and AWS pursuant to Governing Board direction.

#### **Staff Recommendation**

Staff recommends approval to modify the existing program to issue an RFP by October and to follow the proposed program structure and schedule.

### 39. **Resolution No. 2014 - 0919** Authorizing the Executive Director, or his designee, to enter into an Interagency Agreement with other agency/governmental partners for the expanded Indian River Lagoon National Estuary Program; approving the allocation of \$500,000 in ad valorem funds for FY15 as an initial investment subject to Governing Board approval of the FY15 budget. (Contract No. 4600003137) (EXO, Dan DeLisi, ext. 6232)

#### **Summary**

The Indian River Lagoon National Estuary Program (IRL NEP) was established in 1990 through the Environmental Protection Agency's (EPA) designation of the IRL as an "estuary of national significance." The IRL NEP provides a non-regulatory, stakeholder-driven, collaborative approach to coastal watershed restoration and protection. In 1991, a Management Conference was established to guide development of the IRL NEP Comprehensive Conservation Management Plan (CCMP) and its future implementation. Last month the Governing Board was briefed on proposed organizational changes that will increase community participation and expand project opportunities. This month staff is requesting authorization to enter into an Interagency Agreement and approval of initial investment funds.

#### **Staff Recommendation**

Staff recommends approval of this item as the project leverages state dollars with federal and local cost-share funds to implement water resource projects/programs that directly benefit the Indian River Lagoon. Further, this project is supported by the Indian River Lagoon County Collaborative and the Florida Legislature.

40. FY15 Budget Update - Doug Bergstrom, Division Director, Administrative Services Division (ext. 6214)
41. **Resolution No. 2014 - 0920** Authorize entering into a 540 day contract with Douglas N. Higgins, Inc., the lowest responsive and responsible bidder, for the G541 L8 Divide Structure project, for a total amount of \$4,444,443.00, for which \$1,500,218.00 in ad valorem funds are budgeted in FY14, and the remainder is subject to Governing Board approval of the FY15 and FY16 budgets. (Contract Number 4600003133) (EC, John Mitnik, ext. 2679)

### **Summary**

As part of the District's Restoration Strategies initiative the L8 Divide Structure, G541, was identified as a component of the Eastern Flow Path in the Restoration Strategies Regional Water Quality Plan. It is to be located in the L8 Canal approximately 2.67 miles north of State Road 80 in Palm Beach County. The structure has two basic functions:

1. When closed, it allows stages in the L8 Canal, south of G541, to be raised and held without affecting water elevations in the remainder of the L8 Canal north of the structure. Raising stages south of G541 allows filling of the L8 FEB by gravity and also allows pumping of water out of the L8 FEB to nearby STA 1E and 1W.
2. When open, it is essentially hydraulically "invisible" based on flows in the L8 Canal and has no impact on the way the system is currently operated.

This G541 L8 Divide Structure project is to construct a fully automated, reinforced concrete vertical lift roller gate structure, utilizing a three gate arrangement. The structure also includes back-up power generation and considerations for passive public access across the facility.

### **Staff Recommendation**

Staff recommends approval to enter into a 540 day contract in the amount of \$4,444,443.00 with Douglas N. Higgins, Inc., the lowest responsive and responsible bidder, for the construction of the G541 L8 Divide Structure.

42. **Resolution No. 2014 - 0921** Authorize entering into a 1,034 day contract with Blue Goose Growers, LLC dba Blue Goose Construction, the lowest responsive and responsible bidder, for the C-44 Stormwater Treatment Area, in the amount of \$100,792,387.00, for which \$200,000.00 in dedicated funds (Save Our Everglades Trust Fund) are budgeted in FY14, and the remainder is subject to Governing Board approval of the FY15, FY16 and FY17 budgets. (Contract Number 4600003135) (OEC, Jeff Kivett, ext. 2680)

### **Summary**

The C-44 Reservoir/Stormwater Treatment Area Project (C-44 Project) is intended to be constructed by the U.S. Army Corps of Engineers (USACE) and the District over the next five (5) years. In December 2013 the District completed construction of the C-44 Communication Tower and in July 2014 the USACE completed construction of Contract 1 (C-400 Intake Canal and Access Road, C-133A Canal, C-133 Canal, S-418 Spillway, and Citrus Boulevard improvements). As stated in the Project Partnership Agreement (PPA) Amendment executed in August 2014, the District intends to construct the System Discharge (approved by the Governing Board in

August 2014, construction to start early September 2014), the Stormwater Treatment Areas (construction start October 2014), and the S-401 Pump Station (construction start April 2015). The District started construction in July 2014 on the System Discharge Interim Spillway. That contract will achieve early benefits of retaining additional water within the C-44 Project site. That contract is not cost shareable since it was executed prior to the USACE executing the PPA Amendment. The USACE intends to start construction of the C-44 Reservoir (Contract 2) in July 2015.

This C-44 Stormwater Treatment Area (C-44 STA) construction contract is to construct six STA cells which include 32 miles of berms, 30 miles of canals, 56 concrete water control structures, and all associated ancillary features. These features in conjunction with the System Discharge features will provide water quality treatment on 6,300 wetted acres of STAs.

**Staff Recommendation**

Staff recommends approval to enter into a 1,034 day contract in the amount of \$100,792,387.00 with Blue Goose Growers, LLC dba Blue Goose Construction, the lowest responsive and responsible bidder, for the construction of the C-44 STA.

43. **Resolution No. 2014 - 0922** Authorize entering into a 570 day contract with Murray Logan Construction, Inc., the lowest responsive and responsible bidder, for the S-5AS Divide Structure Rehabilitation Project, in the amount of \$2,284,000.00, for which \$475,250.00 in ad valorem funds are budgeted in FY14, and the remainder is subject to Governing Board approval of the FY15 budget. (Contract number 4600003132) (OEC, Jeff Kivett, ext. 2680)

**Summary**

The S-5AS Divide Structure Rehabilitation Project is intended to be constructed by the District over the next nineteen (19) months.

As part of the Restoration Strategies Project the S-5A Basin and C-51 West Basin runoff will be directed north through S-5AS to the L-8 FEB. With implementation of this project, the use of the S-5AS structure will increase and therefore will require the structure to be upgraded to ensure more efficient operations and increased use at higher stages and flow rates.

**Staff Recommendation**

Staff recommends approval to enter into a 570 day contract in the amount of \$2,284,000.00 with Murray Logan Construction, Inc., the lowest responsive and responsible bidder, for the construction of the S-5AS Divide Structure Rehabilitation Project.

44. General Public Comment

## **Staff Reports**

45. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services Division
46. General Counsel's Report - Edward Artau
47. Executive Director's Report - Blake Guillory  
Report of permits issued by authority delegated to the Executive Director from August 1-31, 2014.
48. Board Comment

## **Attorney Client Sessions**

49. Attorney Client Session - USA - *ITEM DELETED*

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, M. Peterson, J. Moran, D. O’Keefe, J. Portuondo, K. Powers; 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)

50. Adjourn