



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING EXECUTIVE SUMMARY AGENDA

This meeting is open to the public

April 10, 2014

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

FINAL

Pursuant to Section 373.079(7), Florida Statutes, all or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer. Public Comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.

1. Call to Order - Dan O'Keefe, Chairman, Governing Board
2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board
3. Employee Recognitions - Presented by Blake Guillory, Executive Director
 - April Employee of the Month - David Reinert, Chief Mechanic, Administrative Services
 - April Team of the Month - C111 South Dade Conveyance System Reimbursement Team
4. Agenda Revisions - Jacki McGorty, District Clerk
5. Abstentions by Board Members from items on the Agenda

6. Water Resources Advisory Commission (WRAC) Report - Tim Sargent, Chair

Consent Agenda

Members of the public wishing to address the Governing Board are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chair or designee to speak. If you want to request that an item be removed from the Consent Agenda and be discussed by the Governing Board, please advise the Governing Board when you are called upon to speak. Governing Board directives limit comments from the public to 3 minutes unless otherwise determined by the Governing Board Chair. Your comments will be considered by the Governing Board prior to adoption of the Consent Agenda.

*Unless otherwise determined by the Chair, Board action on pulled Consent Agenda items will occur at or after 9:00 a.m. on Thursday. Regulatory items pulled from the Consent Agenda for discussion will be heard during the Discussion Agenda. **Unless otherwise noted, all Consent Agenda items are recommended for approval.***

7. Public Comment on Consent Agenda
8. Pull Items for Discussion from Consent Agenda
9. Board Comment on Consent Agenda
10. Approval of the Minutes for the March 13, 2014, Governing Board Regular Business meeting held in West Palm Beach, Florida.
11. Waivers for Water Resources Advisory Commission members pursuant to Section 112.313, Florida Statutes
12. Regulatory Consent Items
 - Denials
 - **Acosta Farms; Acosta Farms Incorporated (WU-Miami-Dade County)** - Staff recommends denial due to applicant's failure to complete the application.
 - **Bonita Pointe 9-Acre Parcel; Bonita Pointe Associates, Ltd (ERP-Miami-Dade County)** - Staff recommends denial due to applicant's failure to complete the application.
 - **Sigma Bay; Sigma Bay Investments, LLC (WU-Miami-Dade County)** - Staff recommends denial due to applicant's failure to complete the application.
 - **DL Pearce Ranch; D L Pearce (WU-Glades County)** - Staff recommends denial due to applicant's failure to complete the application.
 - Consent Orders
 - **Boynton Beach Associates XXIV, LLP (AKA GL Homes); Hyder AGR - PUD (Palm Beach County)** - Settlement of an enforcement action regarding unpermitted construction.
 - **F.I.R.E. Resources, Inc.; Tuscany Preserve Phase 3 and 4 (Polk County)** - Settlement of an enforcement action non-compliance with permit conditions for failure to record the conservation easement.
 - Conservation Easements, Amendments and Releases

- **Wilton Land Company, LLC, Hammock Park Commerce Center (AKA Rattlesnake Crossing) (Collier County)** - Staff recommends the approval of a request for an increase in the conservation easement area from a 1.95 acre preserve area to a 5.98 acre preserve area (5.54 acres of wetlands and 0.44 acres of uplands) within a development known as Hammock Park Commerce Center located in Naples, Collier County, Florida. The original Application Number is 010418-13 and the Environmental Resource Permit Number is 11-02130-P. The conservation easement reflects the addition of 4.03-acres associated with the Army Corps of Engineers Permit (SAJ-1999-4926). The additional preserve area is adjacent to the original 1.95-acre preserve area required by the District. The larger preserve provides additional wildlife habitat and provides a more contiguous buffer to the adjacent offsite undeveloped land to the North.
- **Taft-Vineland Properties, Inc., Regency Industrial Park (Section 13 Parcel A) (Orange County)** - Staff recommends the approval of a request for the partial release of a conservation easement to allow for the construction of the Regency Industrial Park (Section 13 Parcel A), Application No. 991105-67 in Osceola County. The existing easement was erroneously recorded over an approved impact area. This partial release is for the purpose of releasing the easement over the impact area and recording a corrected easement. The mitigation has been provided in accordance with the permit.
- **Mattamy (Jacksonville) Partnership, Tapestry PUD Parcel 8-Phase 1 (Osceola County)** - Staff recommends the approval of a request for the partial release of a conservation easement to allow for the construction of the Tapestry Parcel 8 Application Number 140203-14 in Osceola County. The existing easement was recorded in accordance with the Tapestry Permit No. 49-01654-P and the underlying property are owned by the applicant. Compensation for the removal of 0.79 acres of upland buffer will be provided by the adding upland buffer to result in no net decrease in upland buffer.
- **Deerfield Land Corporation, Osceola Corporate Center Development (Osceola County)** - Staff recommends the approval of a request for the partial release of a conservation easement to allow for the construction of a Sunrail Station located within the Osceola Corporate Center Application No. 140318-2 in Osceola County. The existing easement was recorded in accordance with the Osceola Corporate Center Permit No. 49-00477-S. Compensation for the removal of 6.476 acres from the conservation easement will be offset through the purchase of 2.52 credits from the Hatchineha Ranch Mitigation Bank.
- Seminole Tribe Work Plan
 - Staff recommends concurrence with the Seventh Amendment to the **Twenty Seventh Annual Work Plan for the Seminole Tribe of Florida**. Works in the Hollywood Reservation include the construction of a stormwater management system for the Phase II improvements of the Hollywood Recreational Facility.

13. Right of Way Regulatory Consent Items

- Right of Way Occupancy Permit Requests for Denial
 - William Cury (Application No. 07-0807-1) - Staff recommends denial because the applicant is no longer the owner of the land lying adjacent to the District's canal and therefore is not in compliance with District Rule 40E-6.221(9), F.A.C.

- Gregory and Melita Calpakis (Application No. 07-0710-1) - Staff recommends denial because the owner is no longer the owner of the land lying adjacent to the District's canal and therefore is not in compliance with District Rule 40E-6.221(9), F.A.C.

14. **Resolution No. 2014 - 0401** Approving release of canal, road and mineral reservations; providing an effective date. (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 approving release of the following reservations:

- Release of District canal, road and mineral reservations for Stirling Investors II, Inc., (File No. 18571) for 3.78 acres in Broward County.
- Release of District canal, road and mineral reservations for FS Land Parcels, LLC, (File No. 18577) for 142.90 acres in Miami-Dade County.
- Release of District canal, road and mineral reservations for Section 31 Holdings, LLC, (File 18578) for 95.53 acres in Miami-Dade County.
- Release of District canal, road and mineral reservations for Ernesto N. Zayas and Carolos A. Zayas (File No. 18581) for 2.50 acres in Miami-Dade County.
- Release of TIITF canal reservations for Stirling Investors II, Inc. (File No. 1-14-1) for 3.78 acres in Broward County.
- Release of TIIF canal reservations for Ernesto N. Zayas and Carolos A. Zayas (File No. 2-14-1) for 2.50 acres in Miami-Dade County.
- Release of TIITF canal reservations for FDG Flagler Station III, LLC (File No. 3-14-1) for 9.44 acres in Miami-Dade County.
- Release of TIITF canal reservations for FS Land Parcels, LLC (File No. 3-14-2) for 6.73 acres in Miami-Dade County.
- Release of TIITF canal reservations for FDG Flagler Station Land, LLC (File No. 3-14-4) for 24.63 acres in Miami-Dade County.
- Release of TIITF canal reservations for FS Building 34, LLC (File No. 3-14-5) for 13.00 acres in Miami-Dade County.
- Release of TIITF canal reservations for FS Building 35, LLC (File No. 3-14-6) for 5.64 acres in Miami-Dade County.
- Release of TIITF canal reservations for FS Land Parcels, LLC (3-14-7) for 142.90 acres in Miami-Dade County.
- Release of TIITF canal reservations for Section 31 Holdings, LLC (File No. 3-14-8) for 95.53 in Miami-Dade County.
- Release of TIITF canal reservations for FS Building 30, LLC (File No. 3-14-9) for 9.45 acres in Miami-Dade County.
- Release of TIITF canal reservations for FS Building 31, LLC (File No. 3-14-10) for 9.45 acres in Miami-Dade County.
- Release of TIITF canal reservations for FS Building 32, LLC (File No. 3-14-11) for 13.07 acres in Miami-Dade County.
- Release of TIITF canal reservations for FS Building 36, LLC (File No. 3-14-12) for 7.94 acres in Miami-Dade County.

15. Authorize publication of Notice of Proposed Rule in the Florida Administrative Register and request review from the Office of Fiscal Accountability and Regulatory Reform, to amend Rule 40E-4.091, F.A.C., and the incorporated Environmental Resource Permit Applicant's Handbook Volume II: For Use within the Geographic Limits of the South Florida Water Management District, to incorporate by reference the Procedure for Environmental Resource Permit (ERP) Water Quality Evaluations for Applications Involving Discharges to Outstanding Florida Waters and Water Bodies that Do Not Meet State Water Quality Standards. (REG, Dan Waters, ext. 7763)

Summary

Staff is requesting authority to publish a Notice of Proposed Rule to adopt the Procedure for Environmental Resource Permit (ERP) Water Quality Evaluations for Applications Involving Discharges to Outstanding Florida Waters (OFW) and Water Bodies that Do Not Meet State Water Quality Standards. This procedure will incorporate into rule the substance of the existing "impaired waters memo," which was initially issued in 2004 and revised in 2009 and 2013. Applicants are assisted by this procedure in providing reasonable assurances to demonstrate that discharges will not degrade an OFW or will not contribute additional causative pollutants to an impaired water body. This procedure will be included in a new Appendix E to ERP Applicant's Handbook Volume II. This rule will not create new standards or change the existing ERP application process.

Staff Recommendation

Authorize publication of Notice of Proposed Rule in the Florida Administrative Register and request review from the Office of Fiscal Accountability and Regulatory Reform, to amend Rule 40E-4.091, F.A.C., and the incorporated Environmental Resource Permit Applicant's Handbook Volume II: For Use within the Geographic Limits of the South Florida Water Management District, to incorporate by reference the Procedure for Environmental Resource Permit (ERP) Water Quality Evaluations for Applications Involving Discharges to Outstanding Florida Waters and Water Bodies that Do Not Meet State Water Quality Standards.

16. Authorize publication of Notice of Rule Development to amend Chapters 40E-1, 40E-2, 40E-3, 40E-5, 40E-8, 40E-10, 40E-20, and 40E-24, and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District, in accordance with the Department of Environmental Protection's statewide effort to improve consistency between the water management districts' consumptive use permitting and water supply related programs, and request review by the Office of Fiscal Accountability and Regulatory Reform. (Maria Clemente, ext. 2308)

Summary

The Florida Department of Environmental Protection (DEP) is leading a statewide effort (referred to as CUP consistency) to improve consistency in the consumptive use permitting and water supply related programs implemented by the water management districts (WMDs). The individual water management district consumptive use permitting rules, while all developed under the authority of Ch. 373, F.S., are inconsistent among the WMDs. Some differences are based on differing physical and natural characteristics; others result from development of separate rules and procedures over time. The District participated in and completed the CUP consistency effort. However, it has come to our attention that there have been some discrepancies between the versions of the rules that were noticed and acted on

through the final stages of the rulemaking process as well as some inadvertent text inaccuracies. In order to cure the procedural deficiency and afford the public the necessary due process in our rulemaking efforts, the South Florida Water Management District must re-initiate the rulemaking process to adopt amendments to our rules associated with the CUPcon effort. No substantive changes, other than those previously presented through workshops, WRAC meetings, and Governing Board presentations as part of the CUPcon effort will be made. An expedited rule development process will be instituted, upon approval of this item, so that the CUP consistency rules become effective as soon as possible. Rule amendments that were expected to have an effective date in April 2014 are now anticipated to have an effective date in the July-August 2014 timeframe.

Staff Recommendation

Staff recommends the Governing Board authorize publication of a Notice of Rule Development to amend the above noted rules to accomplish the DEP's CUP consistency effort.

17. **Resolution No. 2014 - 0402** Declaring April as Water Conservation Month in Florida. (WR, Patrick Martin, ext. 2176)

Summary

For the past 16 years, the month of April has been proclaimed Water Conservation Month in Florida in order to increase awareness and promote efficient use of the state's diverse water resources. As April is normally the last month of Florida's dry season and water needs are most acute, attention is paid to the importance of conserving water.

Staff Recommendation

Staff recommends that the Governing Board enter into this resolution declaring April as Water Conservation Month. Joining the Florida Section of the American Water Works Association in declaring April as Water Conservation Month in Florida, the District is supporting the actions of other water management districts, local governments, and non-governmental organizations, which are adopting similar proclamations throughout Florida.

18. Enter an Order amending the 2011 Upper East Coast (UEC) Water Supply Plan Update to designate the UEC planning area as a Water Resource Caution Area (WRCA). (WR, Mark Elsner, ext. 6156)

Summary

The Upper East Coast (UEC) Water Supply Plan Update was approved in March 2011. The Florida Department of Environmental Protection (FDEP) provided guidance relating to Water Resource Caution Areas (WRCAs) in a memo dated November 8, 2013. WRCAs are areas that have existing water resource problems or resource problems are projected to develop during the next twenty years (Rule 62-40.210, F.A.C.). The FDEP guidance memo directs each water management district to designate WRCAs within its boundary through either a rule or its regional water supply plans. SFWMD is designating WRCAs through its five regional water supply plans. WRCA language has been included in SFWMD water supply plans approved since September 2013. As a result, the SFWMD is amending the 2011 Upper East Coast Water Supply Plan to include text to designate this planning area as a WRCA. A public workshop was conducted in Stuart on February 28, 2014 to receive input.

Staff Recommendation

Approval of the Amendment to the 2011 Upper East Coast Water Supply Plan Update to designate the UEC planning area as a Water Resource Caution Area.

19. Enter an Order amending the 2012 Lower West Coast (LWC) Water Supply Plan Update to designate the LWC planning area as a Water Resource Caution Area (WRCA). (WR, Mark Elsner, ext. 6156)

Summary

The Lower West Coast (LWC) Water Supply Plan Update was approved in November 2012. The Florida Department of Environmental Protection (FDEP) provided guidance relating to Water Resource Caution Areas (WRCAs) in a memo dated November 8, 2013. WRCAs are areas that have existing water resource problems or resource problems are projected to develop during the next twenty years (Rule 62-40.210, F.A.C.). The FDEP guidance memo directs each water management district to designate WRCAs within its boundary through either a rule or its regional water supply plans. SFWMD is designating WRCAs through its five regional water supply plans. WRCA language has been included in SFWMD water supply plans approved since September 2013. As a result, the SFWMD is amending the 2012 Lower West Coast Water Supply Plan to include text to designate this planning area as a WRCA. A public workshop was conducted in Ft. Myers and Naples on February 27, 2014 to receive input.

Staff Recommendation

Approval of the Amendment to the 2012 Lower West Coast Water Supply Plan Update to designate the LWC planning area as a Water Resource Caution Area.

20. **Resolution No. 2014 - 0403** Approve the 2013 Lake Belt Mitigation Committee Annual Report. (WR, Terrie Bates, ext. 6952)

Summary

This is a routine annual report to the Governing Board. The interagency Lake Belt Mitigation Committee is required to annually prepare and submit to the Governing Board of the South Florida Water Management District a report evaluating the mitigation costs and revenues generated by the mitigation fee in accordance with Florida Statute Section 373.41492(9)(a). This Annual Report summarizes the mitigation costs, revenues generated by the statutorily-established mitigation fee and activities provided as mitigation for impacts associated with mining activities in the Miami-Dade Lake Belt area as administered by the interagency Lake Belt Mitigation Committee. Proceeds of the mitigation fee must be used to conduct mitigation activities that offset the loss of wetland functions and values resulting from mining activities. The mitigation activities approved by the Lake Belt Mitigation Committee in 2013 included approval of funding for the following projects: 1) \$8 million for the 14,302 acre C-139 Annex Restoration Project consistent with the December 2012 approval and, 2) \$863,000 for Dade-Broward levee seepage management including groundwater modeling, preliminary design, surveying, permitting and vegetative mulching.

Staff Recommendation

Staff recommends the Governing Board approval of the Lake Belt Mitigation Committee Annual Report for 2013.

21. **Resolution No. 2014 - 0404** Amendment to the Fiscal Year 2013-14 Budget; providing an effective date. (AS, Mike Smykowski, ext. 6295)

Summary

This is the first proposed budget amendment for FY2013-14 to recognize \$350,000 of unanticipated state revenues from the Florida Fish and Wildlife Conservation Commission. This amendment appropriates \$150,000 to treat 3,000 acres of invasive exotic plant species at Dupuis East and West by the end of June and \$200,000 for invasive plant treatment in the fourth quarter of FY2013-14.

Staff Recommendation

Staff recommends Governing Board approval of this budget amendment.

22. **Resolution No. 2014 - 0405** Authorizing Lease 4600003028 with the Florida Department of Environmental Protection for five (5) years in a revenue amount of approximately \$1.8 million. (Contract No. 4600003028) (AS, Michael Hiscock, ext. 2526)

Summary

This request is to authorize Contract 4600003028 (Attachment A) with the Florida Department of Environmental Protection (DEP) for five (5) years in a revenue amount of approximately \$1.8 million. The purpose of the contract is to lease office space located at the District's Headquarters in Palm Beach County to DEP's Southeast District Office. The proposed lease consists of 19,501 square feet of space located on the 3rd floor of B-2 Building with sufficient offices to accommodate up to a maximum 120 DEP employees.

Staff Recommendation

Staff recommends approval to authorize a five (5) year lease with the Florida Department of Environmental Protection for the proposed office space.

23. **Resolution No. 2014 - 0406** Authorize entering into a Purchase Order with Gartner, Inc. for Management Consulting Services to perform an Information Technology Bureau review, using State of Florida Contract #973-000-14-01, in the amount of \$300,000 for which ad valorem funds are budgeted in FY14. (AS, Duane Piper, ext. 2638)

Summary

The Gartner, Inc. management consulting services will provide a review of the Information Technology (IT) Bureau to determine whether IT services can be delivered more efficiently and at a lower cost. The cost for these management services is \$300,000 for an approximate three month engagement. The services will be procured from Gartner, Inc., using the State of Florida Contract #973-000-14-01.

Staff Recommendation

Authorize entering into a purchase order with Gartner, Inc. for management consulting services, using State of Florida Contract #973-000-14-01, in the amount of \$300,000 for which FY14 ad valorem funds will be redirected within the Information Technology Bureau budget to support this effort.

24. **Resolution No. 2014 - 0407** Authorizing the official ranking of respondents and a 3-year Monitoring Services Contract supporting the Dispersed Water Management Program, subject to successful negotiations, in an amount not-to-exceed \$350,000. (EPC, Beth Lewis, ext. 6343)

Summary

The District's Dispersed Water Management Program has an existing contract with the World Wildlife Fund for technical assistance, coordination, and monitoring

services for the purpose of developing and implementing the Program. The contract ends in June with the Program fully implemented. However, monitoring services are still needed. Therefore, a Request for Proposals was issued to solicit technical and cost proposals to provide monitoring services for the District's Dispersed Water Management Program. The contract will be for a three year period with two, one year options to renew.

Staff Recommendation

Staff recommends authorizing the official ranking of respondents to the Request for Proposals and to enter into contract negotiations with MacArthur Agro-Ecology Research Center, a Division of Archbold Expeditions, the first ranked respondent, to provide monitoring services in support of the District's Dispersed Water Management Program.

25. Enter a Final Order Denying: 1. Petition for Declaratory Statement; 2. Motion to Correct Notice of Declaratory Statement; and 3. Motion to Strike the City of Sunny Isles Beach's Motion to Intervene and Incorporated Memorandum in Opposition to Petition for Declaratory Statement, all filed by J. Tucker, Trustee. (OC, Susan Martin, ext. 6251)

Summary

On January 16, 2014, the South Florida Water Management District (District) received a Petition for Declaratory Statement (Petition) from J. Tucker, Trustee (Petitioner). The Petition requests a Declaratory Statement pursuant to Section 120.565, Fla. Stat, and Rule 28-105.001, Florida Administrative Code. The Petition requests "that the District declare that the District has the authority to pursue penalties for the un-controverted perjury by the City of Sunny Isles Beach."

Staff Recommendation

Staff recommends that the Governing Board enter a final order denying: Petition for Declaratory Statement; Motion to Correct Notice for Declaratory Statement; and Motion to Strike Motion to Intervene.

26. **Resolution No. 2014 - 0408** Authorizing an amendment to the January 9, 2014 Land Exchange Agreement with Florida Crystals Corporation Subsidiaries and Gladeview Holdings, LC. (OMC, Richard Bassell, ext. 2510)

Summary

The District entered into the subject Exchange Agreement which includes the District's acquisition of approximately 4,604.22 acres for the STA-1W Expansion Project (the "STA-1W Lands") in Palm Beach County (see Exhibit "A"), and the conveyance from the District to Florida Crystals of approximately 8,700 acres (the "Exchange Lands") in Palm Beach County (see Exhibit "A"), currently subject to a lease to U.S. Sugar Corporation (the "U.S. Sugar Lease"). The Closing is anticipated to occur on April 16, 2014. The Exchange Agreement includes a leaseback of the STA-1W Lands to Florida Crystals (the "STA-1W Lease"). The STA-1W Lease provides for the phase out of Crystals' occupancy in 2016 and 2017, consistent with the anticipated Project construction schedule. Florida Crystals will transition off the STA-1W Lands and onto the Exchange Lands in 2017. The proposed Exchange Agreement amendment will modify the STA-1W Lease to provide as a prerequisite to lease termination that advance notices of termination be given to Florida Crystals consistent with termination notice provisions in the U.S. Sugar Lease. This will facilitate an orderly farming transition between the two parties. The amendment is consistent with the anticipated Project construction schedule.

Staff Recommendation

Staff recommends approval of the amendment to the Exchange Agreement.

- 27. **Resolution No. 2014 - 0409** Authorize entering into a 120-day contract with Dickerson Florida, Inc., the lowest responsive and responsible bidder, for the C-41A Canal Bank Repairs Project, in the amount of \$845,845 of which ad valorem funds of \$447,445 and external grant funds of \$323,400 are budgeted in FY14, and to authorize a budget transfer in the amount of \$75,000 in external grant funds from Administrative Services and Executive Offices and Restoration Program to Operations, Maintenance and Construction Division and Operations and Maintenance Program, of which the \$398,400 in external grant funds will be reimbursed by grant through the Emergency Watershed Protection Program of the U.S. Department of Agriculture National Resources Conservation Service. (Contract Number 4600003034) (John Mitnik, ext. 2679)

Summary

In August 2012 Tropical Storm Isaac caused damage to C-41A Canal banks in the northern portion of the District west of the city of Okeechobee. The District actively pursued financial assistance through Federal programs such as the Natural Resource Conservation Services (NRCS). NRCS receives funding as part of their Emergency Watershed Protection Program (EWPP) to assist municipalities and governmental agencies in the recovery efforts from tropical storm damage. The District and NRCS agreed upon an Interagency Agreement to reimburse the District for costs associated with repairs of the C-41A Canal banks up to \$398,400.00. The C-41A Canal Banks Repair project involves regrading approximately 2,690 linear feet of canal banks, installing turf reinforcement mats, construction of new berm drains, placement of sod along the entire length of regraded bank, and placement of 720 feet of additional rock riprap adjacent to the S-84 water control structure. The lowest responsive and responsible bidder is Dickerson Florida, Inc. with a total amount of \$845,845.00 for the 120-day contract to perform the work.

Staff Recommendation

Board approval is requested at the April Governing Board meeting. Not implementing the C-41A Canal Bank Repairs project would result in continued degradation of the canal banks and could potentially impact flood control operations along the C-41A Canal and surrounding basins.

- 28. Board Vote on Consent Agenda
- 29. General Public Comment
- 30. Board Comment

Discussion Agenda

31. Technical Reports
- A) Water Conditions Report - Jeff Kivett, Division Director, Operations, Engineering & Construction Division (ext. 2680)
- B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources Division (ext. 6952)
32. Approval of Fiscal Year 2013 Comprehensive Annual Financial Report, Audit Management Letter, and Single Audit - Brett Friedman, Engagement Partner, McGladrey LLP

Summary

The District's external audit firm has completed their audit of the District's financial statements. This annual independent financial audit was performed to fulfill the requirements of Part III, Chapter 218, Florida Statutes. The audit examines the financial records and statements of the District in order to form opinions of the District's financial statements. These audits are performed in accordance with generally accepted auditing standards as set forth by the American Institute of Certified Public Accountants, the rules of the Auditor General of the State of Florida, and the standards for financial audits set forth by the U.S. Office of Management and Budget (OMB) revised Circular A-133, Audits of State, Local Governments and Non-Profit Organizations.

Staff Recommendation

Inspector General recommends approval of the Comprehensive Annual Financial Report, Audit Management Letter, and the Single Audit.

33. Approval of Inspector General's Audit Reports - Tim Beirnes, Inspector General (ext. 6398)

Summary

The following audit reports are completed:

- Audit of Land Lease Financial Provisions
- Audit of Fixed Assets Processes and Procedures

The Audit and Finance Committee Charter provides for the Board's review and approval of audit reports.

Staff Recommendation

Inspector General recommends approval of the two audit reports.

34. **Resolution No. 2014 - 0410** Authorizing the Executive Director to sign a letter to the U.S. Army Corps of Engineers expressing support for the Central Everglades Planning Project, and affirming South Florida Water Management District's financial capability to satisfy the obligations of the Non-Federal Sponsor described in the Central Everglades Planning Project, Final Integrated Project Implementation Report and Environmental Impact Statement, dated April 2014. (EPC, Tom Teets, ext. 6993)

Summary

The U.S. Army Corps of Engineers (USACE), utilizing technical support from the

South Florida Water Management District (SFWMD) and with input from other federal, state, local agencies and the public has completed the Central Everglades Planning Project (CEPP) Integrated Project Implementation Report and Environmental Impact Statement (PIR/EIS) dated April 2014. CEPP is a project in the Comprehensive Everglades Restoration Plan (CERP). The purpose of the CEPP is to improve the quantity, quality, timing and distribution of water flows to the Northern Estuaries, central Everglades (Water Conservation Area 3 and Everglades National Park) and Florida Bay. The estimated cost of implementing the Recommended Plan is \$1.9 billion to be cost-shared 50-50 by the SFWMD and the USACE as a part of the programmatic cost share for CERP. This action by the Governing Board expresses the Board's support for the CEPP PIR/EIS as set forth in the SFWMD Governing Board Resolution No. 2014-0410. The Letter of Support affirms SFWMD's support for the Recommended Plan and its financial capability to satisfy the obligations of the non-federal sponsor described in the CEPP PIR/EIS, as set forth in the SFWMD Governing Board Resolution No. 2014-0410.

Staff Recommendation

Staff recommends approving the Letter of Support and Self-Certification of Financial Capability as set forth in the SFWMD Governing Board Resolution No. 2014-0410, for the CEPP PIR/EIS.

35. **Resolution No. 2014 - 0411** Approve declaring surplus land interests containing 20.41 acres, more or less, in Osceola County without reservation of interests under Section 270.11, Florida Statutes, together with any structures and improvements and personal property appurtenant thereto and approve offering said property to the public for bid to be sold for the highest price obtainable but not less than the appraised value. (OMC, Ray Palmer, ext. 2246)

Summary

Pursuant to Resolution 2013-612, the Governing Board directed staff to further analyze the options for disposal of certain lands and to thereafter propose recommendations to the Governing Board for further approval. A certain parcel of land containing 20.41 acres, more or less, located in the Osceola County identified as Tract AG100-008 (the "Tract"), as shown on the attached Exhibit "A", was included in the Resolution. Staff further analyzed the options for disposal of the Tract, obtained an ecological assessment, and conducted a March 28, 2014 public meeting regarding the surplus and sale of the Tract. An appraisal establishing a \$440,000 market value was also obtained. The ecological assessment identified an active eagle's nest and the presence of the active eagle's nest was taken in account in appraisal's market value conclusion. Prior to offering the Tract for bid, an update of the appraisal ("Appraisal Update") will be completed which may result in an increase or decrease in the appraised value. Staff recommends to the Governing Board that the Tract be declared surplus and be offered to the public for bid to be sold for the highest price obtainable, but in no event less than appraised value as updated. However, in the event the Appraisal Update results in the updated market value being less than \$400,000, the Tract shall not be offered to the public for bid without staff obtaining another approval from the Governing Board to offer the Tract for bid to be sold at no less than the appraised value established by the Appraisal Update.

Staff Recommendation

Staff recommends approval of the surplus and public bid for sale of the Tract.

36. **Resolution No. 2014 - 0412** Authorize entering into a 311 day contract with Thomas Marine Construction, Inc., the lowest responsive and responsible bidder, for the Miller Canal Weir No. 3 Replacement project, in the amount of \$1,668,100, of which \$998,750 in ad valorem funds are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15 budget. (Contract Number 4600003037) (OMC, John Mitnik, ext. 2679)

Summary

The existing Miller Canal Weir No. 3 (Miller-3) structure is a fixed-crest weir constructed in the mid-1960s by the Gulf American Land Corporation. It is located on the Miller Canal, approximately 450 feet north of the westerly terminus of 8th Avenue NE near the confluence of the Golden Gate Main Canal and Miller Canal in Northern Golden Gate Estates (NGGE) in Collier County, Florida. Miller-3 was originally built as a fixed-crest weir with V-notches to provide water level control for reduction of over-drainage from the Northern Miller Canal basin. In 1983, Collier County added a superstructure for stop log operation with a walkway assembly. After the Big Cypress Basin (BCB) took over the responsibility of the operation and maintenance of the canal system in the late 1980s, the BCB field station replaced the stop logs with steel gates to prevent vandalism to the logs. The structure has now run out of its useful life and is in need of replacement. Construction is scheduled to start in May of 2014 and continue 311 days through March of 2015. The project will include construction of a new structure 450 feet downstream of the existing structure and then removal of the existing structure.

Staff Recommendation

Staff recommends approval to enter into a 311 day contract in the amount of \$1,668,100.00 with Thomas Marine Construction, Inc., the lowest responsive and responsible bidder, for the construction of the Miller Canal Weir No. 3 Replacement.

37. **Resolution No. 2014 - 0413** Authorize entering into a 480-day contract with Arbor Tree & Land, Inc., the lowest responsive and responsible bidder, for Hillsboro Canal Dredging & Bank Stabilization Project, Package 1, in the amount of \$7,914,500.00 of which ad valorem funds in the amount of \$2,000,000.00 are budgeted In FY14 and the remainder is subject to Governing Board approval of the FY15 budget. (Contract Number 4600003042) (OMC, John Mitnik, ext. 2679)

Summary

The District has determined through its Inspections Program the need to repair and protect the banks of the Hillsboro Canal due to bank failures that have occurred over extended sections of the canal. The purpose of the project is to repair and stabilize banks of the Hillsboro Canal along the Palm Beach - Broward County boundary from the G-56 Structure to S-39 Structure in Parkland. This Package 1, from the G-56 to US441/SR7, is the second of the three construction packages spread over three fiscal years for the stabilization of the entire canal length of 10.4 miles. One phase is now in construction and the last phase is in design. Dredging will be done to remove sediment accumulation near the G-56 Structure, which presents a major risk to the operation of the structure and could compromise its flood protection functionality. Several encroachments including private trees, golf course tees, and boat docks will be impacted. These encroachments may need to be relocated, modified, or in some cases completely removed to allow construction work.

Staff Recommendation

Board approval is required at the April Governing Board meeting. By not implementing the proposed Hillsboro Canal Bank stabilization project, there will be significant impacts to the continued operation of the District's flood control system. Eroded banks, encroachments, and accumulated sediments that block canal flow and prevent safe operation of the District's structures, must be repaired, removed, relocated or modified.

38. **Resolution No. 2014 - 0414** Authorize entering into a 420 day contract with Interlaken Inc., the lowest responsive and responsible bidder, for the S-150 Structure Replacement and Automation Project, in the amount of \$2,587,125, of which \$1,589,527 are budgeted In FY14 and to authorize a budget transfer in the amount of \$997,598 in ad valorem funds from the Water Management System element to the Capital Projects element within the Operations and Maintenance Program; providing an effective date. (Contract Number 4600003039) (OMC, John Mitnik, ext. 2679)

Summary

The S-150 Structure Replacement and Automation project, together with structure S-8, allows release of water from Lake Okeechobee and the agricultural area south of the lake into WCA 3A from Stormwater Treatment Area (STA) 3/4. It is located at the confluence of the L-5 and L-38W Canals in Palm Beach County. During the District's Structure Inspection Program, the S-150 Culvert Structure was identified has having major deficiencies, including corrosion of the CMP barrels (perforations observed, causing leakage) and automated gate guide steel channels (cross-section of structural components reduced). In addition, the gate stem lubrication system is experiencing operational issues. The culvert does not meet the current District Standards for this type of water control structure. In response, the District created the S-150 Structure Replacement and Automation Project. The existing culvert structure will be replaced with a new one at the same location and will consist of a cast-in-place reinforced concrete 3-box culvert with steel sheet pile wing-walls, automated stainless steel slide gates, and a new Control Building to house the relocated generator. The L-5 and L-38W Canal bottoms and embankments will be re-graded and armored with rip-rap.

Staff Recommendation

Board approval is requested at the April Governing Board meeting. Not implementing S-150 Structure Replacement and Automation Project would result in continued operation of a declining water control structure, potentially impacting flood control operations along the L-5 Canal and upstream agricultural area.

39. **Resolution No. 2014 - 0415** Authorize entering into a 395 day contract with Expert Construction Managers, Inc., the lowest responsive and responsible bidder, for the S-6 Communications Tower project, for a total amount of \$1,622,000, of which ad valorem funds of \$1,072,000 are budgeted in FY14 and to authorize a budget transfer in the amount of \$550,000 in ad valorem funds from the Electronics/Communications & Control element to the Capital Projects element within the Operations and Maintenance Program. (Contract Number 4600003041) (OMC, John Mitnik, ext. 2679)

Summary

The S-6 Pump Station was built in 1959 by the United States Army Corps of Engineers (USACE). The S-6 pump station was originally constructed as part of the Central and Southern Florida Flood Control System and in 2001 became part of

Stormwater Treatment Areas (STA) as an inflow pump station under the Everglades Forever Act. Currently, communications to and from the S-6 Pump Station are accomplished through a 60' high antenna structure mounted on the roof of the S-6 Pump Station building which does not meet the District's wind loading design criteria and is in no condition to bear any additional antenna loading. Additionally, the current designated area for electronics does not have sufficient space for growth, HVAC, DC power, and/or standby generator. The S-6 communications is an antenna and microwave communications system which relays watershed telemetry data and enterprise information for the regional Everglades Agricultural Area (EAA) pump stations and adjacent STA project areas (STA 2, STA 3/4, and A-1 FEB). The S-6 communication system supports the pump station operation, local SCADA RTU's, and provides a primary communications link to the EAA regional water control and monitoring systems. The communications facilities have evolved into a vital communications site for the District's regional area. Due to age and current condition of the antenna structure, the District initiated the S-6 Communications Tower project with the following goals: remove the current roof antenna and construct a free standing tower replacement with a dedicated communications building and standby generator. Construction is scheduled to start in May of 2014 and continue 395 days into 2015. The project is phased for dry season cutover of existing communications equipment.

Staff Recommendation

The project should proceed in a timely manner with a construction notice-to-proceed to meet the requirements of dry season cutover. Staff recommends approval to enter into a 395 day contract in the amount of \$1,622,000.00 with Expert Construction Managers, Inc., the lowest responsive and responsible bidder, for the construction of the S-6 Communications Tower.

40. **Resolution No. 2014 - 0416** Authorize entering into a three-year contract, with both the University of Florida-Water Institute (#4600003031), and Florida International University (#4600003032), for the purpose of providing University Technical Environmental Services in support of the Restoration Strategies Science Plan. (WR, Linda Lindstrom, ext. 6820)

Summary

A Request for Proposals (RFP) was advertised to solicit the services of Florida Universities capable of providing Technical Environmental Services in Support of the Restoration Strategies Science Plan for the Everglades Stormwater Treatment Areas (STAs). The Science Plan was established to investigate the critical factors that collectively influence the total phosphorus (TP) reduction and treatment performance in the STAs. Development of the Science Plan was initiated in August 2012 with contributions from 45 SFWMD scientists, modelers and engineers (the Science Plan Team), and contributing agency Technical Representatives and their consultants. The Science Plan Team formulated six overarching key questions and detailed sub-questions to address information gaps and guide research needs, prioritized the sub-questions based on four criteria (testability, feasibility, timeliness and importance), and identified an initial suite of nine studies to be implemented in the first five-year work plan. SFWMD staff will lead implementation of the nine studies. The expertise of Florida Universities will be used to assist in the implementation of these studies.

Staff Recommendation

Staff recommends approval to enter into contract negotiations with the University of Florida Board of Trustees-Water Institute, and Florida International University, each

for a three-year contract, with two one-year extensions, to provide Technical Environmental Services in Support of the Restoration Strategies Science Plan.

41. **Resolution No. 2014 - 0417** Authorize entering into a two-year contract with both DB Environmental Laboratories, Inc. and Ecology & Environment, Inc. for Technical Environmental Services in Support of the Restoration Strategies Science Plan. (WR, Linda Lindstom, ext. 6820)

Summary

A Request for Proposals (RFP) was advertised to solicit the services of multiple contractors capable of providing Technical Environmental Services in Support of the Restoration Strategies Science Plan for the Everglades Stormwater Treatment Areas (STAs). The Science Plan was established to investigate the critical factors that collectively influence the total phosphorus (TP) reduction and treatment performance in the STAs. Development of the Science Plan was initiated in August 2012 with contributions from 45 SFWMD scientists, modelers and engineers (the Science Plan Team), and contributing agency Technical Representatives and their consultants. The Science Plan Team formulated six overarching key questions and detailed sub-questions to address information gaps and guide research needs, prioritized the sub-questions based on four criteria (testability, feasibility, timeliness and importance), and identified an initial suite of nine studies to be implemented in the first five-year work plan. SFWMD staff will lead implementation of the nine studies. Contractor expertise will be used to assist in the implementation of these studies.

Staff Recommendation

Staff recommends approval to enter into contract negotiations with DB Environmental Laboratories, Inc., and Ecology & Environment, Inc.

42. General Public Comment

Staff Reports

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

Attorney Client Sessions

47. Attorney Client Session - USA

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

ATTENDEES: Governing Board Members F. Barber, S. Batchelor, M. Hutchcraft, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director B. Guillory; District attorneys C. Ansay, K. Burns, C. Kowalsky, D. MacLaughlin. (Carolyn S. Ansay, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Carolyn S. Ansay, ext. 6976)

48. Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. FEMA, et al., United States District Court, Southern District of Florida, Case No. 13-80533-CIV-Middlebrooks/Brannon. (Carolyn S. Ansay, ext. 6976)

ATTENDEES: Governing Board Members F. Barber, S. Batchelor, M. Hutchcraft, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director B. Guillory; District attorneys C. Ansay, K. Burns, C. Kowalsky, D. MacLaughlin. (Carolyn S. Ansay, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. FEMA, et al., United States District Court, Southern District of Florida, Case No. 13-80533-CIV-Middlebrooks/Brannon. (Carolyn S. Ansay, ext. 6976)

49. Adjourn