



South Florida Water Management District

GOVERNING BOARD MEETING AGENDA

This meeting is open to the public

August 11, 2011

10:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

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. **Employee Recognitions** - Melissa Meeker, Executive Director
 - August Employee of the Month: Charlie Roup
 - August Team of the Month: The C-4 Flood Control Operations Modeling Project TeamSee supporting document: [Employee Recognitions.pdf](#)
4. **Approval of the Minutes** for the July 14, 2011, Governing Board meeting held in West Palm Beach, Florida
5. **Agenda Addendum** - Annette Carter, Director, Office of Governing Board & Executive Services
6. **Abstentions by Board Members from items on the Agenda**

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**

Regulatory Matters

10. Denials
Consent Orders
Water Shortage Consent Orders
Water Shortage Variance Approvals
Seminole Tribe Work Plans

See supporting document: [ca_rm_reg_100_sd.pdf](#)

11. Right of Way Occupancy New Permits
Right of Way Occupancy Permit Modifications
Right of Way Permit Requests with Waiver of District Criteria

See supporting document: [ca_rm_om_101_sd.pdf](#)

12. Waivers for Water Resource Advisory Commission (WRAC) Members pursuant to Section 112.13, Florida Statutes.

See supporting document: [WRAC_waiver.pdf](#)

Regulation

13. Authorize Publication of a Notice of Rule Development to Amend Rules 40E-2.091, 40E-20.091, and 40E-20.301(h), F.A.C., and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District regarding the reclaimed water end user feasibility evaluation; and repeal Chapter 40E-23, F.A.C., subject to approval by the Office of Fiscal Accountability and Regulatory Reform. (Maria Clemente, ext. 2308)
See supporting document: [ca_reg_102_sd.pdf](#)

14. Authorize Publication of a Notice of Rule Development to: 1) transfer Rule 40E-30.302, F.A.C., to Chapter 40E-3, F.A.C.; 2) repeal remaining rules in Chapter 40E-30, F.A.C.; 3) amend Rules 40E-3.010, 40E-3.021, 40E-3.036, 40E-3.038, 40E-3.101, 40E-3.411, 40E-3.507, 40E-3.512, 40E-3.517, and 40E-3.521, F.A.C., in order to incorporate updated water well construction standards and forms adopted by the Florida Department of Environmental Protection; 4) repeal duplicative rules; and, 5) add a new rule creating a general permit for specific water wells in Chapter 40E-3, F.A.C., subject to approval by the Office of Fiscal Accountability and Regulatory Reform. (Maria Clemente, ext. 2308)
See supporting document: [ca_reg_104_sd.pdf](#)

15. **2011-800** A Resolution of the Governing Board of the South Florida Water Management District to approve a Memorandum of Agreement among the Department of Agriculture and Consumer Services, South Florida Water Management District, St. Johns River Water Management District, Southwest Florida Water Management District, Suwannee River Water Management District, and Northwest Florida Water Management District regarding the binding determination of agricultural exemptions under subsection 373.406(2), Florida Statutes; authorizing the Executive Director to execute the Memorandum of Agreement; providing an effective date. (Sharon M. Trost, ext. 6814)
See supporting document: [ca_reg_105_sd.pdf](#)
See resolution document: [ca_reg_105_rd.pdf](#)

Water Resources

16. **2011-801** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a five-year cooperative agreement with U.S. Department of the Interior National Park Service, Everglades National Park (ENP), for water quality monitoring of ENP interior sites, in an amount not to exceed \$984,250 of which \$196,850 in ad valorem funds are subject to Governing Board approval of the FY12 budget; and the remainder is subject to Governing Board approval of the FY13-16 budgets; providing an effective date. (Contract Number 4600002430) (Peter Rawlik, ext. 4770)
See supporting document: [ca_wr_110_sd.pdf](#)
See supporting document: [ca_wr_110_sd1.pdf](#)
See resolution document: [ca_wr_rd_18119_BFLD.pdf](#)

17. Enter an order concurring with the Executive Director's Order No. 2011-115-DAO-WS, temporarily modifying the phase I restrictions identified in Order No. 2011-039-DAO-WS authorizing golf course permittees within Broward, Palm Beach, Miami-Dade, Monroe, St. Lucie, Martin, Okeechobee, Glades, Hendry, Lee and Collier Counties to apply for a variance in order to re-sod, sprig, seed, or conduct similar golf course turf maintenance. (Terrie Bates, ext. 6952)

See supporting document: [2011-115-DAO-WS - Mod of 2011-039_GC_districtwide.pdf](#)

Executive Office

18. **2011-802** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Pulitzer Groves, Inc., and any other appropriate or necessary parties, in Okeechobee County Circuit Court or any other appropriate forum, regarding the property located in Sections 19, 23 & 24, Township 35 South, Range 33 East, Okeechobee, Florida; providing an effective date. (Michael Compagno, ext. 6842)

See supporting document: [ca_oc_001_sd.pdf](#)

See resolution document: [ca_oc_001_rd.pdf](#)

19. **2011-803** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Century Homebuilders, LLC, and any other appropriate or necessary parties, in Broward County Circuit Court or other appropriate forum, regarding the tracts of land located in Section 23, Township 51 South, Range 39 East, Broward County, Florida. (Alison Kelly, ext. 2977)

See supporting document: [ca_oc_002_sd.pdf](#)

See resolution document: [ca_oc_002_rd.pdf](#)

20. **2011-804** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Great Oaks Estates, Inc., and any other appropriate or necessary parties, in Highlands County Circuit Court or other appropriate forum, regarding the property located in Sections 3 & 10, Township 37 South, Range 33 East, Highlands County, Florida. (Alison Kelly, ext. 2977)

See supporting document: [ca_oc_003_sd.pdf](#)

See resolution document: [ca_oc_003_rd.pdf](#)

Operations, Maintenance & Construction

- 21. 2011-805** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three (3) year work order contract with James L. King & Associates, Inc., the lowest responsive and responsible bidder, for Flat Mowing Services within the region of the Okeechobee Field Station, in the amount of \$839,157 of which ad valorem funds in the amount of \$279,719 are subject to Governing Board approval of the FY12 budget and the remainder is subject to Governing Board approval of the FY13-FY14 budgets; providing an effective date. (Contract Number 4600002473) (Robert Nutter, ext. 3183)
See supporting document: [ca_om_001_sd.pdf](#)
See resolution document: [ca_om_rd_18152_BFLD.pdf](#)
See supporting document: [ca_om_001_BidTab.pdf](#)
- 22. 2011-806** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three (3) year work order contract with Beimly Services, LLC, the lowest responsive and responsible bidder, for Flat Mowing Services within the region of the Clewiston Field Station Service Area 202, in the amount of \$562,212 of which ad valorem funds in the amount of \$187,404 are subject to Governing Board approval of the FY12 budget and the remainder is subject to Governing Board approval of the FY13-FY14 budgets; providing an effective date. (Contract Number 4600002502) (Karen Adams, ext. 3223)
See supporting document: [ca_om_002_sd.pdf](#)
See resolution document: [ca_om_rd_18120_BFLD.pdf](#)
See supporting document: [ca_om_002_BidTab.pdf](#)
- 23. 2011-807** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three (3) year work order contract with Beimly Services, LLC, the lowest responsive and responsible bidder, for Flat Mowing Services within the region of the Clewiston Field Station Service Area 217, in the amount of \$342,249 of which ad valorem funds in the amount of \$114,083 are subject to Governing Board approval of the FY12 budget and the remainder is subject to Governing Board approval of the FY13-FY14 budgets; providing an effective date. (Contract Number 4600002503) (Karen Adams, ext. 3223)
See supporting document: [ca_om_003_sd.pdf](#)
See resolution document: [ca_om_rd_18121_BFLD.pdf](#)
See supporting document: [ca_om_003_BidTab.pdf](#)
- 24. 2011-808** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 5.0 acres, more or less, for the Picayune Strand Restoration Project in Collier County, in the amount of \$10,500.00 and all associated costs, for which ad valorem funds, Capital Projects Big Cypress Fund are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Bruce Hall, ext. 6541)
See supporting document: [ca_lr_103_sd.pdf](#)

See resolution document: [ca_lr_103_rd.pdf](#)
See supporting document: [ca_lr_103_ExhA_SG100-022.pdf](#)
See supporting document: [ca_lr_103_ExhAA_map.pdf](#)
See supporting document: [ca_lr_103_ExhA_SG100-004.pdf](#)
See supporting document: [ca_lr_103_ExhA_SG100-008.pdf](#)

- 25. 2011-809** A Resolution of the Governing Board of the South Florida Water Management District approving the recommendation to the Board of Education of the State of Florida to release a canal reservation, containing 646.12 acres, more or less, Section 16, Township 34 South, Range 32 East, Okeechobee County, Florida; providing an effective date. (Kathleen Massey, ext. 6835)

See supporting document: [ca_lr_100_sd.pdf](#)
See resolution document: [ca_lr_100_rd.pdf](#)

- 26. 2011-810** A Resolution of the Governing Board of the South Florida Water Management District approving the recommendation to the Trustees of the Internal Improvement Trust Fund to release a canal reservation, containing 5.72 acres, more or less, Lot A, AVANTI, Plat Book 142, Page 33 and a portion of Lot 22, and all of Lots 30, 31, 32, 33 and 34, Block 207, SECTION FOUR INCOME GARDENS, Plat Book 31, Page 8, located in Section 29, Township 52 South, Range 41 East, Public Records of Miami-Dade County; providing an effective date. (Kathleen Massey, ext. 6835)

See supporting document: [ca_lr_101_sd.pdf](#)
See resolution document: [ca_lr_101_rd.pdf](#)

- 27. Board Vote on Consent Agenda**

- 28. General Public Comment**

Workshop Agenda

29. TECHNICAL REPORTS

State of Water Resources

A) Water Conditions Report - Tommy Strowd, Director, Operations, Maintenance & Construction Division (ext. 6998)

B) Ecological Conditions Report - Terrie Bates, Director, Water Resources Division (ext. 6952)

C) US Army Corps of Engineers' Lake Okeechobee Report - Kimberley Taplin, West Palm Beach Deputy Program Manager for Restoration, US Army Corps of Engineers

30. **Overview of SFWMD Regulatory Source Control Programs and Annual Update of the Everglades Agricultural Area (EAA) and C-139 Basin Water Quality Performance** - Pamela Wade, Chief, Everglades Regulation Bureau (ext. 6901)

Discussion Agenda

Everglades Policy & Coordination

- 31. 2011-811** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Executive Director to sign a letter to the U.S. Army Corps of Engineers expressing support for the Biscayne Bay Coastal Wetlands Phase I Final Integrated Project Implementation Report and Environmental Impact Statement (PIR/EIS) dated July 2011, and affirming SFWMD's financial capability to satisfy the obligations of the Non-federal Sponsor described in the PIR/EIS, should a Project Partnership Agreement (PPA) be executed by the parties; providing an effective date. (Ernie Barnett, ext. 2110)

See supporting document: [ca_epc_101_sd.pdf](#)

See supporting document: [ca_epc_101_sd_ltr.pdf](#)

See resolution document: [ca_epc_101_rd.pdf](#)

See supporting document: [ca_epc_101_maps.pdf](#)

Operations, Maintenance & Construction

- 32. 2011-812** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2) one-year renewal options with Helicopter Applicators Inc., subject to successful negotiations, for Vegetation Management Aerial Application Services, in an amount not-to-exceed \$3,400,000 per year, of which ad valorem and non-ad valorem funds in the combined amount of \$3,400,000 are subject to Governing Board approval of the FY12 budget and additional amounts not-to-exceed \$3,400,000 annually are subject to Governing Board approval of the FY13-FY16 budgets; providing that, if negotiations are unsuccessful with Helicopter Applicators Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600002452) (Francois Laroche, ext. 6193)

See supporting document: [da_om_001_sd.pdf](#)

See resolution document: [da_om_rd_18220_BFLD.pdf](#)

- 33. 2011-813** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2) one-year renewal options, subject to successful negotiations with Applied Aquatic Management, Inc., one of four firms selected for Ground Application Services for Aquatic, Wetland and Terrestrial Vegetation Control throughout the District, in an amount not-to-exceed \$10,000,000 each year for all four contracts (4600002497, 4600002498, 4600002499 and 4600002500); of which ad valorem and non-ad valorem funds in the combined amount of \$10,000,000 are subject to Governing Board approval of the FY12 budget and additional amounts not-to-exceed \$10,000,000 annually are subject to Governing Board approval of the FY13-FY16 budgets; providing that if negotiations are unsuccessful with Applied Aquatic Management, Inc., the District will proceed in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600002497) (Francois Laroche, ext. 6193)

See supporting document: [da_om_002_sd.pdf](#)

See resolution document: [da_om_rd_18221_BFLD.pdf](#)

- 34. 2011-814** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2) one-year renewal options, subject to successful negotiations with Lake and Wetland Management, Inc., one of four firms selected for Ground Application Services for Aquatic, Wetland and Terrestrial Vegetation Control throughout the District, in an amount not-to-exceed \$10,000,000 each year for all four contracts (4600002497, 4600002498, 4600002499 and 4600002500); of which ad valorem and non-ad valorem funds in the combined amount of \$10,000,000 are subject to Governing Board approval of the FY12 budget and additional amounts not-to-exceed \$10,000,000 annually are subject to Governing Board approval of the FY13-FY16 budgets; providing that if negotiations are unsuccessful with Lake and Wetland Management, Inc., the District will proceed in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600002498) (Francois Laroche, ext. 6193)

See supporting document: [da_om_002_sd.pdf](#)

See resolution document: [da_om_rd_18222_BFLD.pdf](#)

- 35. 2011-815** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2) one-year renewal options, subject to successful negotiations with EarthBalance Corporation, one of four firms selected for Ground Application Services for Aquatic, Wetland and Terrestrial Vegetation Control throughout the District, in an amount not-to-exceed \$10,000,000 each year for all four contracts (4600002497, 4600002498, 4600002499 and 4600002500); of which ad valorem and non-ad valorem funds in the combined amount of \$10,000,000 are subject to Governing Board approval of the FY12 budget and additional amounts not-to-exceed \$10,000,000 are subject to Governing Board approval of the FY13-FY16 budgets; providing that if negotiations are unsuccessful with EarthBalance Corporation, the District will proceed in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600002499) (Francois Laroche, ext. 6193)

See supporting document: [da_om_002_sd.pdf](#)

See resolution document: [da_om_rd_18223_BFLD.pdf](#)

- 36. 2011-816** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2) one-year renewal options, subject to successful negotiations with Florida Best Inc. of Haines City, one of four firms selected for Ground Application Services for Aquatic, Wetland and Terrestrial Vegetation Control throughout the District, in an amount not-to-exceed \$10,000,000 each year for all four contracts (4600002497, 4600002498, 4600002499 and 4600002500); of which ad valorem and non-ad valorem funds in the combined amount of \$10,000,000 are subject to Governing Board approval of the FY12 budget and additional amounts not-to-exceed \$10,000,000 are subject to Governing Board approval of the FY13-FY16 budgets; providing that if negotiations are unsuccessful with Florida Best Inc. of Haines City, the District will proceed in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600002500) (Francois Laroche, ext. 6193)

See supporting document: [da_om_002_sd.pdf](#)

See resolution document: [da_om_rd_18224_BFLD.pdf](#)

- 37. 2011-817** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 540 day contract with Interlaken Inc., the lowest responsive and responsible bidder for the S-197 Structure Replacement project, in the amount of \$3,273,520, for which ad valorem funds in the amount of \$10,000 are budgeted and the remainder is subject to Governing Board approval of the FY12-FY13 budgets; providing an effective date. (Contract Number 4600002501) (Tzufit Boyle, ext. 4046)

See supporting document: [da_om_006_sd.pdf](#)

See resolution document: [da_om_rd_18139_BFLD.pdf](#)

See supporting document: [da_om_006_BidTab.pdf](#)

- 38. General Public Comment**

Staff Reports

39. **Monthly Financial Statement** - Doug Bergstrom, Director, Administrative Services Division
See supporting document: [Sources and Uses.pdf](#)
See supporting document: [Monthly Financial Statements Memo-8 1 2011 .pdf](#)
40. **General Counsel Report** - Carolyn S. Ansay
41. **Executive Director's Report** - Melissa L. Meeker
Report on Permits Issued by Authority Delegated to the Executive Director from July 1 - July 31, 2011
See supporting document: [ID Permits Issued by ED August .pdf](#)
42. **Board Comment**

Attorney Client Sessions

Executive Office

43. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2010) 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, D. DeLisi, 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, F. Bartolone, and outside counsel D. Moore. (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 (2010) 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)

44. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2010) to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. Zipprer, et al., Circuit Court of the Tenth Judicial Circuit, in and for Polk County, Case No. 2010-CA-4805; and South Florida Water Management District v. Zipprer, et al., Circuit Court of the Ninth Judicial Circuit, in and for Osceola County, Case No. 2010-CA-3658 ED.

ATTENDEES: Governing Board Members S. Batchelor, J. Collins, D. DeLisi, 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, K. Williams and F. Bartolone. (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 (2010) to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. Zipprer, et al., Circuit Court of the Tenth Judicial Circuit, in and for Polk County, Case No. 2010-CA-4805; and South Florida Water Management District v. Zipprer, et al., Circuit Court of the Ninth Judicial Circuit, in and for Osceola County, Case No. 2010-CA-3658 ED. (Carolyn S. Ansay, ext. 6976)

Adjournment

45. **Adjourn**