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## South Florida Water Management District

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### GOVERNING BOARD MEETING MINUTES

June 14, 2006

9:00 AM

Broward County Convention Center - Room 124 & 125  
1950 Eisenhower Blvd.  
Fort Lauderdale, Florida 33316

Members Present:

**Irela Bagué, Vice-Chair**

**Miya Burt-Stewart**

**Alice Carlson**

**Michael Collins**

**Nicolás Gutiérrez**

**Lennart Lindahl**

**Kevin McCarty, Chair**

**Malcolm Wade**

Members Absent:

**Harkley Thornton**

1. **Call to Order** - Kevin McCarty, Chair, Governing Board

Chair McCarty called the meeting to order at 9:12 am.

2. **Pledge of Allegiance** - Kevin McCarty, Chair, Governing Board

Miya Burt-Stewart led the group in the Pledge of Allegiance.

3. **June Employee Recognition**

Carol Wehle, Executive Director, recognized the June Team of the Month.

4. **Approval of Minutes from the last month's Governing Board Meeting**

Motion made by Michael Collins, seconded by Lennart Lindahl to Approve the following item(s): 4

Vote called. Voting yes: Michael Collins, Lennart Lindahl, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Malcolm Wade. Motion passed.

5. **Additions, deletions, and substitutions to the Agenda**

Sheryl Wood, General Counsel, said there would be no closed-door sessions.

**6. Agenda Addendum**

Jacki McGorty read into the record the agenda addendums. A copy was made available to the public.

**7. Absentions by Board Members from items on the Agenda**

Mr. Wade and Ms. Carlson announced their abstentions.

**8. Pull Items for Discussion from Governing Board Meeting Agenda**

There were no items pulled for discussion.

**9. Finance Committee Recommendations - Harkley Thornton, Chair**

Ms. Carlson reported on the activities of the Finance Committee held on June 7, 2006.

**10. Land Resources and Construction Committee Recommendations - Lennart Lindahl, Chair**

Mr. Lindahl reported on the activities of the Land Resources and Construction Committee held on June 7, 2006. Carrie Hill, Assistant Deputy Director, Corporate Resources, provided an update on the CM@Risk contract.

**11. Water Resource Advisory Commission Recommendations - Michael Collins, Chair**

Mr. Collins reported on the activities of the Water Resource Advisory Commission.

**12. Public Comment on Consent Agenda**

There was no public comment on the Consent Agenda.

**13. Board Comment on Consent Agenda**

There was no Board comment on the Consent Agenda.

Consent Agenda

**Water Resources**

14. Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Lake Okeechobee SWIM Works of the District Permit Applications

Denials

Environmental Resource Permit Extensions

Consent Agreements

Emergency Orders

Seminole Tribe Work Plans

Page 2 No 4 Gargiulo Farms (WU): **Postponed** to July Board

Page 3 No 6 Sabal Bay (WU Irrigation): **Postponed** to July Board

Page 3 No 7 Sabal Bay Dewatering: **Postponed** to July Board

Page 4 No 10 Strand (WU): **Postponed**

Page 6 No 4 McDaniel Ranch (ERP): **Postponed** to July Board

Page 8 No 4 Judd Creek (ERP): **Postponed** to July Board

Page 10 No 2 Port Mayaca Yacht Club (ERP): **Postponed** to July Board

Page 15 No 1 Boca Raton Airport (SWM): **Postponed** to July Board

Page 17 No 2 Cameo Retail Center (ERP): **Postponed**

Page 19 No 1 Atlantic Business Center (WU Denial): **Postponed** to July Board

Page 19 No 2 Camelot Estates (WU Denial): **Postponed** to July Board

Page 19 No 3 Flack Nursery (WU Denial): **Postponed** to July Board

Page 21 No 1 Aspen Indian Creek Park (WU Denial): **Removed** from agenda to be approved at staff level

Page 21 No 2 Hendry Farm Grove (WU Denial): **Postponed** to July Board

Page 22 No 1 Palm City II Landfill (WU Denial): **Postponed** to July Board

Page 22 No 2 Western Palm City Corridor (WU Denial): **Removed** from agenda to be approved at staff level

Page 22 No 3 Whistle Stop of Stuart (WU Denial): **Withdrawn**

Page 23 No 1 AMB Properties Building 2 (WU Denial): **Removed** from agenda to be approved at staff level

Page 23 No 2 Rodriguez Property Numbers 1 and 2 (WU Denial): **Postponed** to

July Board

Page 23 No 3 Sport Acres (WU Denial): **Postponed** to July Board

Page 24 No 2 Juno Bay (WU Denial): **Withdrawn**

Page 24 No 3 Sobal Lakes Home Owners Association (WU Denial): **Removed** from agenda to be approved at staff level

Page 25 No 1 Bridle Acres Residential Livestock Pond (WU Denial): **Postponed** to July Board

Page 25 No 2 Kenco Communities at Port St. Lucie (WU Denial): **Postponed** to July Board

Page 25 No 3 Rorabecks Plants and Produce (WU Denial): **Removed** from agenda to be approved at staff level

Page 31 No 11 Pod F Wellington Country Place (Consent Agreement): **Postponed** to July board

Page 32 No 1 St. Lucie County Agricultural Area (Emergency Order): **See** Regular Consent Agenda Item 19

Page 32 No 2 City of West Palm Beach (Emergency Order): **See** Regular Consent Agenda Item 18

**15.** Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

Right of Way Occupancy Permit Applications for Denial

Right of Way Occupancy Permit Requests with Waiver of District Criteria

**16.** WATER SUPPLY

LOCAL GOVERNMENTAL AGREEMENT

**2006-600** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 15 month cost share agreement with the City Of Plantation for the Advanced Water Treatment Pilot Project in the amount of \$310,000, for which Ad valorem funds in the amount of \$160,000 are budgeted and the remainder is subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number OT060366).

**17.** Authorize publication of a Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Chapter 40E-400, F.A.C., to develop Notice and/or No Notice General Environmental Resource Permits for specific Florida Department of Transportation projects (Damon Meiers, ext 6876)

18. Enter a Final Order Concurring with Executive Directors Emergency Order Number 2006-054-DAO-WU issued for the purpose of providing immediate water supply relief for the City of West Palm Beach. (Keith Smith, ext: 4311)
19. Enter a Final Order Concurring with Executive Directors Water Shortage Emergency Order Number 2006-055-DAO-WS declaring a water shortage emergency within the St. Lucie County Agricultural Area Water Use Basin (SLCAA) and Rescinding Water Shortage Order No. 2006-055-DAO-WS, rescinding the Phase I Moderate Water Shortage Restrictions within the SLCAA. (Scott Burns, ext: 6817)

### **CERP**

20. **2006-601** A Resolution of the Governing Board of the South Florida Water Management District approving staff recommendations for Releases of District Canal, Mineral and Road Reservations, Releases of Trustees of The Internal Improvement Trust Fund (T.I.I.T.F.) Canal Reservations, and issuance of Non-Use Commitments; providing an effective date. (V. Rada, ext. 6836)
21. **2006-602** A Resolution of the Governing Board of the South Florida Water Management District approving the purchase of a Perpetual Canal Access Easement containing 0.11 acre, more or less, in Collier County, Corkscrew Canal Project in the amount of \$3,400; for which dedicated funds (Big Cypress Basin) have been budgeted; providing an effective date. (T. Hanaway, ext. 6668)
22. **2006-603** A Resolution of the Governing Board of the South Florida Water Management District to approve declaring surplus and the exchange of land interests containing 1.01 acres, more or less, previously acquired for the Kissimmee River Restoration and Headwaters Revitalization Project, in Highlands County, without reserving phosphate, mineral, metal and petroleum rights pursuant to Section 270.11 Florida Statutes, in exchange for land interests containing 1.00 acre, more or less, for the Kissimmee River Restoration and Headwaters Revitalization Project, in Highlands County, together with associated costs including statutory attorneys fees of \$66,300 and a cost to cure of \$17,989; for which ad valorem funds are budgeted and approve a budget transfer of ad valorem funds from Land Stewardship Program Support and Southern CREW Imperial Floway CERP to Kissimmee River Restoration Project; 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. (T. Hanaway, ext. 6668)
23. **2006-604** A Resolution of the Governing Board of South Florida Water Management District to approve declaring surplus land interests containing 16.058 acres, more or less, in Section 27, Township 50 South, Range 40 East, C-11 Canal Right of Way, Broward County including but not limited to any phosphate, mineral, metal and petroleum reservations and authorize the conveyance of the surplus land interests for no costs; including no application fee, to the Florida Department of Transportation; providing an effective date. (C. Segura, ext. 2469)

- 24. 2006-605** A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of land interests containing 320 acres, more or less, together with an easement for ingress and egress, in the amount of \$4,112,000 from Save Our Everglades Trust Fund; and associated costs; for the Acceler8 C-44 Reservoir/Stormwater Treatment Area Project in Martin County; providing an effective date. (B. Katz, ext. 6837)
- 25. 2006-606** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of three firms and entering into a five (5) year contract subject to successful negotiations with Professional Services Industries, Inc., one of three firms selected for clearing and grubbing services in an amount not to exceed the total funding of \$1,000,000, available for three (3) contracts (OT060963, OT060964 & OT060965); of which \$100,000 is budgeted and the remainder is subject to Governing Board approval of the FY07 - FY10 budgets. If negotiations are unsuccessful with Professional Services Industries, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number OT060963) (J. Dunnuck, ext. 6016)
- 26. 2006-607** A Resolution of the South Florida Water Management District to authorize the official ranking of three firms and entering into a five (5) year contract subject to successful negotiations with Contract Site Services, Inc., one of three firms selected for clearing and grubbing services in an amount not to exceed the total funding of \$1,000,000, available for three (3) contracts (OT060963, OT060964 & OT060965); of which \$100,000 is budgeted and the remainder is subject to Governing Board approval of the FY07 - FY10 budgets. If negotiations are unsuccessful with Contract Site Services, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number OT060964) (J. Dunnuck, ext. 6016)
- 27. 2006-608** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of three firms and entering into a five (5) year contract subject to successful negotiations with Family Farms, Inc., one of three firms selected for clearing and grubbing services in an amount not to exceed the total funding of \$1,000,000, available for three (3) contracts (OT060963, OT060964 & OT060965); of which \$100,000 is budgeted the remaining is subject to Governing Board approval of the FY07 - FY10 budgets. If negotiations are unsuccessful with Family Farms, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number OT060965) (J. Dunnuck, ext. 6016)
- 28. 2006-609** A Resolution of the Governing Board of the South Florida Water Management to authorize an amendment to contract C-91-2447 with Florida Department of Environmental Protection for management of District lands along the Loxahatchee River, to extend the term by 5 years, from July 1, 2006 to June 30, 2011, in an amount not to exceed \$535,000., for which dedicated funds (external Grant and Management Lands Trust Fund) in the amount of \$26,750 are budgeted and the remainder is subject to Governing Board approval of the FY07 - FY11 budgets; providing an effective date. (Contract Number C91-2447-A08) (J. Dunnuck, ext. 6016)

29. **2006-610** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 3.66 acres, more or less, for the Kissimmee Chain of Lakes, in Polk County, in the amount of \$146,112, and associated costs; for which ad valorem funds are budgeted and approve a budget transfer of ad valorem funds from SW. CREW Imperial Flowway CERP to Kissimmee River Restoration; providing an effective date. (R. Schaeffer, ext. 2985)

#### **Executive Office**

30. OFFICE OF COUNSEL  
**2006-611** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract OT050031 with Gary Goforth, Inc., for expert witness services in an amount not to exceed \$50,000 with no change in terms, of which dedicated funds (Everglades Restoration Trust Fund) are budgeted; providing an effective date. (Contract Number OT050031-A03).
31. **2006-625** A Resolution of the Governing Board of the South Florida Water Management District hereby requesting a postponement of action on health care benefits for District Retirees until at least the July 2006 Governing Board meeting; providing an effective date.

#### **Corporate Resources**

32. SERVICE CENTERS  
**2006-612** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one (1) year Local Governmental Agreement with Highlands Soil and Water Conservation District for management of payments to a contractor for the implementation of a Lake Okeechobee and Estuary Recovery alternative water storage project on the Avon Park Air Force Range site in an amount not to exceed \$254,242, for which dedicated funds (Water Management Land Trust Fund) are budgeted; providing an effective date. (Contract Number OT061106)
33. SERVICE CENTERS  
REVENUE AMENDMENT  
**2006-613** A Resolution of the Governing Board of South Florida Water Management District to authorize entering into a 16 month extension to the Cooperative Agreement with Florida Fish & Wildlife Conservation Commission (FWC) through June, 30, 2008 recognizing the District as the lead agency for the Lake Trafford Restoration Critical Ecosystem Restoration project and increasing the amount by \$1,000,000 as additional revenue to the District on a cost reimbursement basis; providing an effective date. (Contract Number OT050867-A01)
34. **Board Vote on Consent Agenda**

Motion made by Mr. Lindahl and seconded by Mr. Collins to reconsider Consent Agenda.

Motion then made by Mr. Lindahl and seconded by Mr. Collins to approve all Consent Agenda Items.

Gargiulo Farms was postponed until the July Governing Board.

Motion made by Michael Collins, seconded by Lennart Lindahl to Approve the following item(s): 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33

Vote called. Voting yes: Michael Collins, Lennart Lindahl, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Malcolm Wade. Motion passed.

Motion made by Lennart Lindahl, seconded by Michael Collins to Approve the following item(s): 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33

Vote called. Voting yes: Lennart Lindahl, Michael Collins, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Malcolm Wade. Motion passed.

## Discussion Agenda

### **Water Resources**

#### **35. Open Public Hearing**

Adopt Amendments to Chapters 40E-1, 40E-4, 40E-61 and 40E-400, F.A.C., to implement e-Permitting and electronic document management (Robert M. Brown, ext 6283)

Chair McCarty opened the public hearing.

Susan Martin, Sr. Specialist Attorney, made recommendations to adopt Amendments to Chapters 40E-1, 40E-4, 40E-61 and 40E-400, F.A.C. to implement e-Permitting and electronic document management. Ms. Martin acknowledged Ronda Wise, Project Manager, for her diligent work on this project.

Chair McCarty closed the public hearing.

Motion made by Michael Collins, seconded by Lennart Lindahl to Approve the following item(s): 35

Vote called. Voting yes: Michael Collins, Lennart Lindahl, Miya Burt-Stewart, Alice Carlson, Kevin McCarty, Malcolm Wade. Not present: Irela Bagué, Nicolás Gutiérrez. Motion passed.

#### **36. Joint Session with Broward County Commissioners and Local Partners Updates**

Chair McCarty welcomed the Broward County Commission to the meeting. Chair McCarty provided introductory comments. Each Governing Board member introduced themselves to the Broward County Board.

Ms. Burt-Stewart welcomed the Broward County Commission. Ms. Burt-Stewart spoke on the partnerships between Broward County and the District and provided information on the progress and successes in Broward County.

Commissioner Kristin Jacobs, Broward County, District 2, introduced the Broward County Commissioners. The Broward County Commissioners that attended the Joint Session were Lois Wexler, District 5; Sue Lunzburger, District 6; Jim Scott, District 4; John Rodstrom, District 7; Diana Wasserman-Rubin, District 8.

Commissioner Jacobs reported on the Broward County water utilities and on the goals and challenges pertaining to water supplies.

Larry Carter, Assistant Deputy Executive Director, Operations and Maintenance, presented a resolution supporting Governor Bush's position regarding the state of the Herbert Hoover Dike and supporting a request for Federal funding to accelerate repairs and rehabilitation of the Dike.

Commissioner Jacobs requested a presentation to their Board on the Herbert Hoover Dike including impacts to Broward County.

Public Comment: Rosa Durando representing the Audubon Society, Lake Worth, provided comment on Lake Okeechobee and the evacuation process.

Ms. Wehle presented information to the Broward County Commissioners on the Herbert Hoover Dike. Ms. Wehle provided recommendations from the report on the Herbert Hoover Dike. Ms. Wehle reported on the modeling that the United States Army Corp. of Engineers (USACE) is about to begin. These inundation studies will show whether there will be any flooding impacts to Broward County.

Commissioner Scott asked questions about Broward County's water supply if there was a breach in the Dike.

Ms. Wehle provided additional information about Lake Okeechobee's water level after a breach and water supply issues.

Mr. Wade provided comment on elevation levels and the inundation studies.

Chip Merriam, Deputy Executive Director, Water Resources, presented information on the future water supply challenges and future water needs in South Florida.

Mr. Merriam reported on the Governing Board's direction:

- No more water will be allocated from the regional system during the dry season.
- It is not good public policy to use water once and throw it away.
- A lower Lake Okeechobee regulation schedule is being developed.
- Less water may be available from the lake to recharge urban wellfields.

Mr. Merriam reported on the current water supply issues concerning Lake Okeechobee and the alternative sources of water. Mr. Merriam reported on Broward County's wastewater flow and the percentage of reuse.

Commissioner Lunzburger provided comment on the cost of reverse osmosis. Mr. Merriam provided additional comment regarding this issue.

Commissioner Wexler asked questions regarding the percentages of reclaimed water in Broward County and the progressive improvement requirement. Mr. Merriam spoke on SB444, the comprehensive plans and the 5-year permits.

Commissioner Wexler asked if there is a penalty imposed upon counties that don't increase their reclaimed water use.

Ms. Wehle spoke on the indirect penalties. Ms. Wehle reported on the District's Water Supply Plans and the Counties Capital Improvement Elements.

Mr. Gutiérrez provided comment on alternative water supplies.

Mr. Lindahl provided comment on alternative water supplies. Mr. Lindahl reported Reverse Osmosis, advanced wastewater treatment (AWT) and the costs of these alternative water supplies.

Mr. Wade provided comment on future water needs. He said utilities need to unite and have a regional system.

Ms. Burt-Stewart provided comment on alternative water supplies in Broward County. She spoke about the six major utilities in Broward County and the importance of them working together on alternative water supplies.

Commissioner Jacobs spoke on SB444 and the time limits with the grants. She spoke on water conservation and water restrictions.

Ms. Wehle provided information on the SB444 program.

Mr. Merriam provided additional information on water conservation.

Mr. Collins provided information on alternative water supplies and the utilities adopting capital projects. He spoke on the water use permits.

Commissioner Jacobs asked for sample ordinances. Ms. Wehle said staff will get the information to her.

Tommy Strowd, Assistant Deputy Executive Director, CERP, presented information of the status and overview of the Comprehensive Everglades Restoration Projects (CERP) in Broward County. He reported on the Acceler8 and LOER projects.

Commissioner Wexler had questions on the C-11 Impoundment area. Mr. Strowd provided additional information pertaining to the C-11 Impoundment area.

Dr. Jennifer Jurado, Water Resources Manager, Broward County, presented information on Water Conservation Initiatives in Broward County, the NatureScape (Florida-friendly Landscapes), the outreach efforts in Broward County and on the Broward Everglades Working Group. Dr. Jurado also provided information on the partnership agreement with the Broward County Schools.

Allan Phipps, teacher, South Plantation High School presented information on South Plantation High School Everglades Restoration and Environmental Science Magnet program. Mr. Phipps reported on the students' Expansion Projects, the KOE Watershed Demonstration Garden and the students' involvement with the KOE garden.

Students from the South Plantation High School Magnet program presented information on the Curbside Runoff/Effluent Elimination Program (CREEP) and on using greenroof to improve water quality in South Florida.

Mr. Gutiérrez commended the students for their presentations.

Ms. Burt-Stewart also thanked Mr. Phipps and his students for their presentations.

Commissioner Lunzburger requested a letter be written for funding assistance for these projects. Chairman McCarty discussed funding assistance.

Ms. Bagué recommended grant funding through the SIP program.

Burnadette Norris-Weeks and Desiree Smith, members of Sistrunk Historical and Nature Preservation Society, reported on the improvements of the North Fork of the New River.

A certificate of appreciation was presented to Chair McCarty and Ms. Burt-Stewart for their support on the New River improvements.

A certificate of appreciation was presented to Tammy Ward for her outreach efforts and Jose Lopez for his commitment to the New River Improvements.

Russell Bemford, City Administrator, City of West Park, Broward County, provided information on the Stormwater Improvements and the widening project of State Road 441.

John Stunson, City Manager, City of Oakland Park, reported on flooding and funding in the City of Oakland Park and commended staff from the Broward Service Center on their help. Harris Hamid, Director, Engineering and Construction, City of Oakland Park, provided information on the Sleepy River Dredging Project.

Chair McCarty thanked the Broward County Commissioners for participating in the joint session with the Governing Board.

Kristin Jacobs thanked the Governing Board for joining them and sharing their vision.

Ms. Burt-Stewart presented gifts to each of the Broward County Commissioners.

- 37. 2006-614** A Resolution of the Governing Board of the South Florida Water Management District supporting Governor Bush's position regarding the state of the Herbert Hoover Dike; supporting a request for Federal funding to accelerate repairs and rehabilitation of the Herbert Hoover Dike through expeditious enactment of the Water Resources Development Act or some other mechanism; providing an effective date.

Motion made by Malcolm Wade, seconded by Michael Collins to Approve the following item(s): 37

Vote called. Voting yes: Malcolm Wade, Michael Collins, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Motion passed.

**38. CERP Coordination**

Approve Environmental Resource Permit Modification Application 060510-6 for construction and operation of a surface water management system to serve a 19,409 acre residential development known as Acme Improvement District Basin B Long Range Plan (Palm Beach County) (Damon Meiers, ext 6876)

Damon Meiers, Deputy Department Director, Environmental Resource Regulation, presented information on this item.

Public Comment: Jim Harvey representing Florida Government Strategies, provided public comment. He is in concurrence with the permit modification.

Public Comment: Rosa Durando representing Audubon Society, Lake Worth, provided comment on this item. She said the refuge should still take precedence over the problems that may or may not occur in Wellington.

Motion made by Lennart Lindahl, seconded by Michael Collins to Approve the following item(s): 38

Vote called. Voting yes: Lennart Lindahl, Michael Collins, Miya Burt-Stewart, Alice Carlson, Kevin McCarty, Malcolm Wade. Not present: Irela Bagué, Nicolás Gutiérrez. Motion passed.

**39. CERP Coordination**

Approve Environmental Resource Permit Application 040820-13 for the construction and operation of a surface water management system to serve a 29 acre residential development known as Interlaken (a.k.a. Lakeland Subdivision) (Miami-Dade County) (Anthony Waterhouse, ext 6867) (Maura Merkal, ext 6179)

No presentation was provided.

Motion made by Michael Collins, seconded by Malcolm Wade to Approve the following item(s): 39

Vote called. Voting yes: Michael Collins, Malcolm Wade, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty. Not present: Irela Bagué, Nicolás Gutiérrez. Motion passed.

**40. CERP Coordination**

Approve Environmental Resource Permit Application 040210-15 for construction and operation of a surface water management system to serve a 40.88 acre commercial development known as ASGM Business Park (Collier County) (William Foley, ext 2929) (Janet Starnes, ext 7735)

No presentation was provided.

Motion made by Michael Collins, seconded by Malcolm Wade to Approve the following item(s): 40

Vote called. Voting yes: Michael Collins, Malcolm Wade, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty. Not present: Irela Bagué, Nicolás Gutiérrez. Motion passed.

**41. CERP Coordination**

Approve Environmental Resource Permit Application 030131-19 for construction and operation of a surface water management system to serve a 30 acre agricultural development known as Felix Rodriguez Property Tracts 56 thru 58 (Miami-Dade County) (Anthony Waterhouse, ext 6867) (Dewey Worth, ext 2711)

No presentation was provided.

Motion made by Michael Collins, seconded by Malcolm Wade to Approve the following item(s): 41

Vote called. Voting yes: Michael Collins, Malcolm Wade, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty. Not present: Irela Bagué, Nicolás Gutiérrez. Motion passed.

**42. CERP Coordination**

Approve Environmental Resource Permit Modification Application 050725-5 for construction and operation to serve a 1,062 acre agricultural/residential development known as Sunlight Ranch (FKA Trailside Groves) (Martin County) (Anita Bain, ext 6866) (Beth Kacvinsky, ext 6632)

No presentation was provided.

Motion made by Michael Collins, seconded by Malcolm Wade to Approve the following item(s): 42

Vote called. Voting yes: Michael Collins, Malcolm Wade, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty. Not present: Irela Bagué, Nicolás Gutiérrez. Motion passed.

**62. CERP Coordination**

Approve Environmental Resource Permit Modification Application 060306-17 for construction and operation of a surface water management system and Water Use Permit Application 060302-21 for the dewatering of borrow pits to serve a 60-acre project which will provide fill material for the State Road 70 widening project known as Guettler Borrow Pit (St. Lucie County) (Anthony Waterhouse, ext 6867) (Beth Kacvinsky, ext 7630)

No presentation was provided.

Motion made by Michael Collins, seconded by Malcolm Wade to Approve the following item(s): 62

Vote called. Voting yes: Michael Collins, Malcolm Wade, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty. Not present: Irela Bagué, Nicolás Gutiérrez. Motion passed.

**65. 2006-630 A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a cooperative agreement with the Florida Department of Agriculture and Consumer Services for Lake Okeechobee Watershed Sub-Basin Monitoring Network, in the amount of \$225,000 in dedicated funds (Lake Okeechobee Trust Fund), as revenue to the District, which is subject to Governing Board approval of a future amendment of the FY06 budget; providing an effective date. (Contract Requisition 10000230) (Gary Ritter, ext. 3017)**

Chip Merriam, Deputy Executive Director, provided information on this item.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 65

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Malcolm Wade. Motion passed.

- 64. 2006-629** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a cooperative agreement with the Florida Department of Agriculture and Consumer Services for Operation and Maintenance of the Taylor Creek Algal Turf Scrubber® Nutrient Recovery Facility in the Lake Okeechobee Watershed, in the amount of \$281,610 in dedicated funds (Lake Okeechobee Trust Fund), as revenue to the District, which is subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Requisition 10000232) (Rodolfo Villapando, ext. 2936)

Chip Merriam, Deputy Executive Director, provided information on this item.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 64

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Malcolm Wade. Motion passed.

#### **CERP**

- 43. 2006-626** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 210 day contract with Cross Construction Services, Inc., the lowest responsive and responsible bidder, for Picayune Strand demolition of abandoned structures in the amount of \$1,476,000 for which dedicated funds (CERP Capital Construction Fund) in the amount of \$846,000 are budgeted and the remainder is subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number CN060065)

Tommy Strowd, Assistant Deputy Executive Director, CERP, presented information on this item.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 43

Vote called. Voting yes: Michael Collins, Alice Carlson, Miya Burt-Stewart, Lennart Lindahl, Kevin McCarty, Malcolm Wade. Not present: Irela Bagué, Nicolás Gutiérrez. Motion passed.

- 66. 2006-631** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 335 day contract with Harry Pepper & Associates, Inc., the lowest responsive and responsible bidder, for the Acme Basin B Discharge Project construction of the C-1 Canal and Acme PS7 component in the amount of \$13,556,883 for which dedicated funds (Everglades Program Capital Construction Fund) in the amount of \$3,500,000 are budgeted and the remainder is subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number CN060046)

Motion made by Michael Collins, seconded by Lennart Lindahl to Approve the following item(s): 66

Vote called. Voting yes: Michael Collins, Lennart Lindahl, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Malcolm Wade. Motion passed.

- 44. 2006-615** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 1308.04 acres, more or less, for the Henscratch Ranch/Florida Forever Project, in Highlands County, which is also part of the Lake Wales Ridge Florida Forever Project in the amount of \$7,120,000 and associated costs; and authorize a budget transfer of dedicated funds, Florida Forever, from River Restoration to Land Stewardship in the amount of \$3,560,000 for FY06, and the remainder subject to Governing Board approval of the FY07 Budget; providing an effective date. (R. Clements, ext. 6271)

No presentation was provided.

Motion made by Lennart Lindahl, seconded by Alice Carlson to Approve the following item(s): 44

Vote called. Voting yes: Lennart Lindahl, Alice Carlson, Miya Burt-Stewart, Michael Collins, Kevin McCarty, Malcolm Wade. Not present: Irela Bagué, Nicolás Gutiérrez. Motion passed.

- 45. 2006-616** A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of land interests containing 1308.04 acres, more or less, in the amount of \$7,120,000 and associated costs from Florida Forever Trust Fund; for the Henscratch Ranch/Florida Forever Project in Highlands County, which is also part of the Lake Wales Ridge Florida Forever Project; providing an effective date. (R. Clements, ext. 6271)

No presentation was provided.

Motion made by Lennart Lindahl, seconded by Alice Carlson to Approve the following item(s): 45

Vote called. Voting yes: Lennart Lindahl, Alice Carlson, Miya Burt-Stewart, Michael Collins, Kevin McCarty, Malcolm Wade. Not present: Irela Bagué, Nicolás Gutiérrez. Motion passed.

- 67. 2006-632** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Executive Director to take appropriate action in the casting of District landowner votes in the June, 2006 election for the Board of Supervisors of the Pal Mar Water Control District and authorization to Quit-Claim a quarter acre of land within Pal Mar Water Control District to Karen Smith for the purpose of protecting the District's interests; providing an effective date. (R. Clements, ext. 6271)

Ruth Clements, Department Director, Land Acquisition, provided information on this item.

Motion made by Nicolás Gutiérrez, seconded by Lennart Lindahl to Approve the following item(s): 67

Vote called. Voting yes: Nicolás Gutiérrez, Lennart Lindahl, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Kevin McCarty, Malcolm Wade. Motion passed.

### **Executive Office**

- 61. 2006-627** A Resolution of the Governing Board of the South Florida Water Management District hereby requesting the United States Fish and Wildlife Service to list the Burmese Python (*Python molurus bivittatus*) as an injurious species under the Lacey Act (42 U.S.C. 18); providing an effective date.

Dan Thayer, Division Director, Vegetation Management, presented information on this item.

Chair McCarty requested the Office of Policy and Legislation follow up with a letter. Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 61  
Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Malcolm Wade. Motion passed.

### **Corporate Resources**

**46.**

#### **SERVICE CENTERS**

##### **COMPETITIVE CONTRACT - RFP**

**2006-617** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of the short-listed firms and entering into a 2-year contract with I.F. Rooks & Associates, Inc. subject to successful negotiations, for Big Cypress Basin Barron River Corridor Aerial Surveys, in an amount not to exceed \$1,331,100, for which dedicated funds (Big Cypress Basin) in the amount of \$331,100 are budgeted; and the remainder is subject to Governing Board approval of the FY07 budget; providing that, if negotiations are unsuccessful with I.F. Rooks & Associates, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number OT060120)

Tim Howard, staff member, Big Cypress Basin, presented information on this item.

Mr. Collins requested more information on this item. He provided comment on the area for the aerial surveys.

Mr. Collins made a motion to pass the existing staff recommendations with the commitment that staff will bring back additional information to the Board in July.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 46

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Malcolm Wade. Motion passed.

**47.**

#### **INFORMATION TECHNOLOGY**

##### **NON COMPETITIVE CONTRACT - AMENDMENT**

**2006-618** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-15726 with Vitaver & Associates Inc. for Information Technology Professional Consulting Services, in an amount not to exceed \$3,000,000 of which \$500,000 of ad valorem funds are budgeted in FY06, and the remainder is subject to Governing Board approval of the FY07 and FY08 budgets; providing an effective date. (Contract Number C-15726-A05).

Sharon Trost, Chief Information Officer, Information Technology Department, presented information on this item.

Mr. Lindahl requested modification in the language to state an amount not to exceed a total of \$3M for Agenda Items 47, 48, 49, 50, 51 and 52.

Motion made by Alice Carlson, seconded by Lennart Lindahl to Approve the following item(s): 47

Vote called. Voting yes: Alice Carlson, Lennart Lindahl, Miya Burt-Stewart, Michael Collins, Kevin McCarty, Malcolm Wade. Not present: Irela Bagué, Nicolás Gutiérrez. Motion passed.

- 48. INFORMATION TECHNOLOGY  
NON COMPETITIVE CONTRACT - AMENDMENT  
2006-619** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-15725 with TEKsystems Inc. for Information Technology Professional Consulting Services, in an amount not to exceed \$3,000,000 of which \$500,000 of ad valorem funds are budgeted in FY06 and the remainder is subject to Governing Board approval of the FY07 and FY08 budgets; providing an effective date. (Contract Number C-15725-A05).

Sharon Trost, Chief Information Officer, Information Technology Department, presented information on this item.

Motion made by Alice Carlson, seconded by Lennart Lindahl to Approve the following item(s): 48

Vote called. Voting yes: Alice Carlson, Lennart Lindahl, Miya Burt-Stewart, Michael Collins, Kevin McCarty, Malcolm Wade. Not present: Irela Bagué, Nicolás Gutiérrez. Motion passed.

- 49. INFORMATION TECHNOLOGY  
NON COMPETITIVE CONTRACT - AMENDMENT  
2006-620** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-15724 with Sapphire Technologies for Information Technology Professional Consulting Services, in an amount not to exceed \$3,000,000, of which \$500,000 of ad valorem funds are budgeted in FY06 and the remainder is subject to Governing Board approval of the FY07 and FY08 budgets; providing an effective date. (Contract Number C-15724-A05).

Sharon Trost, Chief Information Officer, Information Technology Department, presented information on this item.

Motion made by Alice Carlson, seconded by Lennart Lindahl to Approve the following item(s): 49

Vote called. Voting yes: Alice Carlson, Lennart Lindahl, Miya Burt-Stewart, Michael Collins, Kevin McCarty, Malcolm Wade. Not present: Irela Bagué, Nicolás Gutiérrez. Motion passed.

- 50. INFORMATION TECHNOLOGY  
NON COMPETITIVE CONTRACT - AMENDMENT  
2006-621** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-15723 with Radiant Systems, Inc. for Information Technology Professional Consulting Services, in an amount not to exceed \$3,000,000, of which \$500,000 of ad valorem funds are budgeted in FY06 and the remainder is subject to Governing Board approval of the FY07 and FY08 budgets; providing an effective date. (Contract Number C-15723-A05).

Sharon Trost, Chief Information Officer, Information Technology Department, presented information on this item.

Motion made by Alice Carlson, seconded by Lennart Lindahl to Approve the following item(s): 50

Vote called. Voting yes: Alice Carlson, Lennart Lindahl, Miya Burt-Stewart, Michael Collins, Kevin McCarty, Malcolm Wade. Not present: Irela Bagué, Nicolás Gutiérrez. Motion passed.

- 51. INFORMATION TECHNOLOGY  
NON COMPETITIVE CONTRACT - AMENDMENT  
2006-622** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-15722 with Nu Info Systems, Inc. for Information Technology Consulting Services, in an amount not to exceed \$3,000,000 of which \$500,000 of ad valorem funds are budgeted in FY06 and the remainder is subject to Governing Board approval of the FY07 and FY08 budgets; providing an effective date. (Contract Number C-15722-A05).

Sharon Trost, Chief Information Officer, Information Technology Department, presented information on this item.

Motion made by Alice Carlson, seconded by Lennart Lindahl to Approve the following item(s): 51

Vote called. Voting yes: Alice Carlson, Lennart Lindahl, Miya Burt-Stewart, Michael Collins, Kevin McCarty, Malcolm Wade. Not present: Irela Bagué, Nicolás Gutiérrez. Motion passed.

- 52. INFORMATION TECHNOLOGY  
NON COMPETITIVE CONTRACT - AMENDMENT  
2006-623** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-15720 with Drexel Technical Associates, Inc. for Information Technology Professional Consulting Services, in an amount not to exceed \$3,000,000, of which \$500,000 of ad valorem funds are budgeted in FY06, and the remainder is subject to Governing Board approval of the FY07 and FY08 budgets; providing an effective date. (Contract Number C-15720-A05).

Sharon Trost, Chief Information Officer, Information Technology Department, presented information on this item.

Motion made by Alice Carlson, seconded by Lennart Lindahl to Approve the following item(s): 52

Vote called. Voting yes: Alice Carlson, Lennart Lindahl, Miya Burt-Stewart, Michael Collins, Kevin McCarty, Malcolm Wade. Not present: Irela Bagué, Nicolás Gutiérrez. Motion passed.

### **Operations and Maintenance**

- 63. 2006-628** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 270 day contract with GlobeTec Construction, LLC., the lowest responsive and responsible bidder, for the C-18 Canal Erosion Repairs & Dredging, in the amount of \$2,290,000 of which ad valorem funds in the amount of \$120,000 are budgeted; and the remainder is subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number CN060681)

Motion made by Michael Collins, seconded by Irela Bagué to Approve the following item(s): 63

Vote called. Voting yes: Michael Collins, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Malcolm Wade. Motion passed.

- 54. Public Comment**

Public Comment: Leo Schwartzberg representing the South Broward Drainage District provided comment and thanked the Broward Service Center staff for the help with the capital improvement projects. He also thanked Chip Merriam for his support.

Public Comment: Jamie Furgang representing the Audubon of Florida provided public comment on the new Everglades Report.

Public Comment: Maria Loucraft representing the City of Pompano Beach provided comment and thanked the Water Supply staff and Broward County Service Center regarding alternative water supplies.

Public Comment: Ron Bergeron, citizen, Weston, Florida, thanked District staff for their support on the preservations of the Everglades.

Public Comment: Don Maines representing Southwest Ranches, thanked District staff for their support.

## Staff Reports

### **55. Board Comment**

Susan Sylvester, Deputy Department Director, Operations Control, presented information on the water conditions of the SFWMD.

## Closed Door Agenda

### **Executive Office**

- 56.** Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Jeffrey Dudey v. State of Florida, et al, Circuit Court, Fifteenth Judicial Circuit, Palm Beach County, Case No. CA 03-1408 AO.

Sheryl G. Wood, General Counsel, Office of Counsel

### Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Jeffrey Dudey v. State of Florida, et al, Circuit Court, Fifteenth Judicial Circuit, Palm Beach County, Case No. CA 03-1408 AO.

Sheryl G. Wood, General Counsel, Office of Counsel

57. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Tohopekaliga Water Authority v. St. Johns River Water Management District and Orange County Utilities Division, St. Johns River Water Management District, CUP No. 3317.

Sheryl G. Wood, General Counsel, Office of Counsel

**Action Items (if any) Stemming from Closed Session**

Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Tohopekaliga Water Authority v. St. Johns River Water Management District and Orange County Utilities Division, St. Johns River Water Management District, CUP No. 3317.

Sheryl G. Wood, General Counsel, Office of Counsel

58. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures 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.

Sheryl G. Wood, General Counsel, Office of Counsel

**Action Items (if any) Stemming from Closed Sessions**

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures 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.

Sheryl G. Wood, General Counsel, Office of Counsel

59. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., U.S. District Court for the Southern District of Florida, Case No. 02-80309-CV-ALTONAGA/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management, et al., U.S. District Court for the Southern District of Florida, Miami Division, Case No. 98-6056-CIV-LENARD/KLEIN; and Friends of the Everglades v. South Florida Water Management District, U.S. District Court For the Southern District of Florida, Miami Division, Case No. 98-6057-CIV-LENARD/KLEIN.

Sheryl G. Wood, General Counsel, Office of Counsel

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., U.S. District Court for the Southern District of Florida, Case No. 02-80309-CV-ALTONAGA/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management, et al., U.S. District Court for the Southern District of Florida, Miami Division, Case No. 98-6056-CIV-LENARD/KLEIN; and Friends of the Everglades v. South Florida Water Management District, U.S. District Court For the Southern District of Florida, Miami Division, Case No. 98-6057-CIV-LENARD/KLEIN.

Sheryl G. Wood, General Counsel, Office of Counsel

Closed Door Session was held on June 13, 2006, at the Governing Board Workshop.

Adjournment

60. **Adjourn**

Chair McCarty adjourned the meeting at 2:03 pm.

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Kevin McCarty, Chairman  
South Florida Water Management District