



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

July 13, 2005

9:00 AM

Omni Championsgate Resort

1500 Masters Blvd.

Championsgate, FL 33896

Members Present:

Irela Bagué, Vice-Chair

Alice Carlson

Michael Collins

Nicolás Gutiérrez

Lennart Lindahl

Kevin McCarty, Chair

Harkley Thornton

Malcolm Wade

Members Absent:

Pamela Brooks-Thomas

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

Meeting called to order at 9:05 a.m.

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

3. **Orlando Service Center Welcome and Update** Tom Genovese
Local Water Resource Partnerships in the Orlando Service Area
High water levels in area lakes

Mr. Lindahl provided Board comment on the planning and coordination of meetings for both business and leisure activities.

Announcement: Carol Wehle, Executive Director, presented a special recognition award to the Honorable Paula Dockery, Florida State Senator. Ms. Wehle provided information on their working relationship and the fact that Senator Dockery has been a true champion on water resource activities. The Senator is a real leader and is always inclusive when parties are brought to the table and share their point of view. She has an excellent style and Senate Water Bill 444 is in effect because of Senator Dockery. Working in partnership brought the bill to fruition. Ms. Wehle presented a plaque of thanks to Senator Dockery for her efforts on behalf of South Florida Water Management District and the citizens of South Florida.

Senator Dockery said it was a "labor of love" working on Bill 444. Several different agencies and business companies were involved and the charge to them was that they must work together in order to achieve a successful result to have Bill 444 passed. She thanked Frank Bernardino [State Legislative Affairs Representation - SFWMD] for all his efforts on behalf of this bill and his work in Tallahassee. She provided information on "incentive money" and said there is a lot of flexibility for water management districts. The Alternative Water Supply funding is driven by the water management districts and the Legislature did not intend this to be grant based. She has an excellent working relationship with Carol Wehle and is happy to work with the Governing Board in any way. Chair McCarty expressed his appreciation of Senator Dockery's work in the Senate.

Mr. Genovese provided welcoming comments and information on the history of water resource projects in the past. Thirty-six new projects will be instituted. This is an ambitious goal. All partners have accepted the challenge to complete these projects for FY 2006. The goals of the strategic program and the relevance was explained. Partnerships are about relationships. He thanked Carol Wehle, Executive Director, for all her support.

Mr. Thornton commended the work Mr. Genovese has been doing on behalf of the Orlando Service Center.

Mike Reiser, Chairman for the Champions Gate Resort welcomed everyone. He explained what amenities the resort offers.

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

9:21 am

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

Motion made by and seconded by to approve the minutes.

Vote called. Voting yes: Alice Carlson, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

5. Agenda Addendum

Changes to the Agenda were announced by Garrett Wallace, District Clerk. Items 15 and 16 were pulled from the agenda.

- A. On the addendum, it is item number 16, on the agenda it is item number 13;
- B. On the addendum, it is item number 26, on the agenda it is item number 15;
- C. On the addendum, it is item number 27, on the agenda it is item number 16;
- D. On the addendum, it is item number 40, on the agenda it is item number 27;
- E. On the addendum, it is item number 51, on the agenda it is item number 48;
- F. On the addendum, it is item number 54, on the agenda it item number 49;
- G. On the addendum, it is item number 72, on the agenda it is item number 65.

6. Absentations by Board Members from items on the Agenda

Ms. Carlson and Mr. Lindahl announced their abstentions.

7. Pull Items for Discussion from Governing Board Meeting Agenda

Mr. Collins pulled item 18 from the Consent Agenda and moved to the Discussion Agenda.

8. Public Comment on Consent Agenda

Terrie Bates, Assistant Deputy Executive Director, Water Resources Area, read a statement into the record by Rosa Durando, representing Audubon Society, Lake Worth, providing public comment on the permit application for the Department of Veterans' Affairs South Florida National Cemetery (040121-21), page 13 #2.

Don Post, representing the Florida Dept. of Veteran's Affairs, Key Largo, provided public comment. He said if this item is left on the Consent Agenda for approval, he would not speak on the matter.

Chair McCarty said he has spoken with Ms. Durando regarding this matter.

Joseph Staak, representing Harry Pepper and Associates, of Atlanta, Georgia, asked to speak on an issue involving Agenda Item 49. This firm was the low bidder on the project in agenda item number 49. The project was awarded to the second lowest bidder. He provided information on the Harry Pepper company. His company filed a Notice of Protest and asked that this item be removed from the agenda today and no action be taken by the Governing Board until after the protest is considered and resolved.

9. Audit and Finance Committee Recommendations - Lennart Lindahl, Chair

A contract for records storage should be discussed in the near future by the Committee.

Mr. Lindahl provided the recommendations of the Committee to the Board from the last meeting held on July 6, 2005.

Mr. Lindahl congratulated staff on working through the Acme Basin B project. He asked that his congratulations be extended to staff.

10. Land Resources and Regulatory Committee Recommendations - Harkley Thornton, Chair

Mr. Thornton provided the recommendations of the Committee to the Board from the last meeting held on July 6, 2005.

11. Board Comment on Consent Agenda

No comments were made by the Governing Board.

Consent Agenda

Water Resources

- 13. Water Use Permit Applications
 - Surface Water Management Permit Applications (includes Conservation Easements)
 - Environmental Resource Permit Applications (includes Conservation Easements) Denials
 - Environmental Resource Permit Extensions
 - Environmental Resource Permit Variances
 - Consent Agreements
 - Seminole Tribe Work Plans

ITEM 13 CONSIDERATION OF CONSENT AGENDA CHANGES FOR GOVERNING BOARD APPROVAL WHICH INCLUDE REGULATORY ITEMS:

- Page 6 No 3 The Retreat (WU): Postponed to August Board
- Page 8 No 2 Martin County Port Salerno System (WU): Postponed to August Board
- Page 14 No 2 County Line Grove (WU): Postponed to August Board
- Page 16 No 9 Tesoro Preserve B D E F (Aka River Pointe PUD) (ERP): Postponed to August Board
- Page 17 No 2 Artesian Pools (WU Denial): Withdrawn
- Page 17 No 4 Hawks Landing (WU Denial): Withdrawn
- Page 20 No 1 Kissimmee River Adventures (WU Denial): Withdrawn
- Page 21 No 3 South Center Lots 5 and 6 (WU Denial): Withdrawn
- Page 22 No 1 American Stainless and Aluminum Products Corp (WU Denial): Removed from agenda to be approved by staff
- Page 22 No 2 Celebration Water Tower Place (WU Denial): Withdrawn
- Page 22 No 3 Kenansville Community Center (WU Denial): Removed from agenda to be approved by staff
- Page 24 No 1 Golden Sands Inn (WU Denial): Removed from agenda to be approved by staff

CERP

- 12. Right of Way Occupancy New Permits
 - Right of Way Occupancy Permit Modifications
 - Right of Way Occupancy Permit Requests with Waiver of District Criteria
 - Relaxation of Standards as Allowed Under District Rule 40E-6.011(9) F.A.C.

- 14. **2005-700** A Resolution of the Governing Board of the South Florida Water Management approving staff recommendations for releases of District Canal, Mineral and Road Reservations, releases of Trustees of the Internal Improvement Trust Fund (T.I.I.F.) Canal Reservations, and issuance of Non-Use commitments; providing an effective date. (V. Rada, ext. 6836)

- 17. **2005-703** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Florida Fish and Wildlife Conservation Commission to initiate rule-making to establish the Micco Landing Unit of the Kissimmee River Management Plan as part of the Kissimmee River Public Use Area; providing an effective date. (F. Davis, ext. 6636)

19. 2005-705 A Resolution of the Governing Board of the South Florida Water Management District authorizing the District to cause to be conveyed directly to Palm Beach County, Fee Title to 547 acres, more or less, within the boundaries of the Pal Mar Project, in Palm Beach County, to which the District has the right to acquire from Charles E. Johnson, in consideration for the placement of a conservation easement on the subject property by Palm Beach County in favor of the South Florida Water Management District; providing an effective date. (R. Clements, ext. 6271)

20. 2005-706 A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 2.50 acres, more or less, for the C-111 Canal Project (L-31 North Acquisition Area), in Miami-Dade County, in the amount of \$175,000, and associated costs for which dedicated funds are budgeted (Florida Forever Trust Fund) subject to a FY05 Budget Amendment; 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.

2005-707 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 2.50 acres, more or less, in the amount of \$175,000 and associated costs; for the C-111 Canal Project (L-31 North Acquisition Area) in Miami-Dade County; providing an effective date. (D. Steinau, ext. 2985)

21. 2005-708 A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 2.50 acres, more or less, for the C-111 Canal Project (L-31 North Acquisition Area), in Miami-Dade County, in the amount of \$120,000 and associated costs for which dedicated funds (Florida Forever Trust Fund) are available, subject to a FY05 Budget Amendment; 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.

2005-709 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 2.50 acres, more or less, in the amount of \$120,000 and associated costs; for the C-111 Canal Project (L-31 North Acquisition Area) in Miami-Dade County; providing an effective date. (D. Steinau, ext. 2985)

- 22. 2005-710** A Resolution of the Governing Board of the South Florida Water Management District authorizing eminent domain proceedings for the acquisition of land interests containing 24.93 acres, more or less, in Miami-Dade County, for the C-111/L-31N Canal Project; for which funds (Florida Forever Trust Fund) are budgeted, subject to a FY05 Budget Amendment; 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.

2005-711 A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the proposed purchase of land interest containing 24.93 acres, more or less, in Miami-Dade County, for the C-111/L-31N Project; and associated costs; providing an effective date. (D. Steinau, ext. 2985)

- 23. 2005-712** A Resolution of the Governing Board of the South Florida Water Management District authorizing eminent domain proceedings for the acquisition of certain lands consisting of 12.28 acres, more or less, in Highlands County, Florida, which are part of the Kissimmee River Restoration and Headwaters Revitalization Project for which dedicated funds (Florida Forever Trust Fund) are available, subject to a FY05 Budget Amendment; providing an effective date.

2005-713 A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the proposed purchase of lands containing 12.28 acres, more or less, in Highlands County, Florida, which are part of the Kissimmee River Restoration and Headwaters Revitalization Project and requesting the release of funds for acquisition of such lands; providing an effective date. (T. Hanaway, ext. 6668)

- 24. 2005-714** A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for sellers attorney fees, in the amount of \$402,000, related to the purchase of land interests containing 165.57 acres, more or less, from the Florida Forever Trust Fund; for the Indian River Lagoon South CERP Project in St. Lucie County; providing an effective date. (D. Steinau, ext. 2985)

- 25. 2005-715** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Exchange Agreement with Rogelia Moncada at no cost for the fee acquisition of 40.16 acres, more or less, located in Palm Beach County with associated costs in the amount of \$20,000.00, for the CERP/Acceler8 Acme Basin B Project for which dedicated funds (Florida Forever Trust Fund) are available, subject to FY05 Budget Amendment; providing an effective date.

2005-716 A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for associated costs incurred in the acquisition of land interests containing 40.16 acres, more or less, in the amount of \$20,000.00 from Florida Forever Trust Fund for the CERP/Acceler8 Project in Palm Beach County; providing an effective date. (R. Clements, ext. 6271)

- 26. 2005-717** A Resolution of the Governing Board of the South Florida Water Management District to authorize filing an eminent domain action involving 12,000 acres, more or less, for the Acceler8 C-44 Reservoir/Stormwater Treatment Area Project, to be styled South Florida Water Management District vs. Florida Tierra Holdings, LLC et al., and filed in the 19th Circuit Court for Martin County, Florida; providing an effective date. (R. Clements, ext. 6271)

2005-718 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 12,000 acres, more or less, in the amount of \$168,000,000 and associated costs from Florida Forever Trust Fund; for the CERP/Acceler8 C-44 Reservoir/Stormwater Treatment Area Project in Martin County; providing an effective date. (R. Clements, ext. 6271)

Executive Office

- 27.** Enter a Final Order approving a Consent Agreement with Brian Martz resolving well drilling violations in Osceola County(Peter Cocotos, x6274)
- 28. 2005-719** A Resolution of the Governing Board of the South Florida Water Management District to authorize a settlement agreement for \$126,000.00, plus \$34,980.00 for statutory attorneys fees, and \$10,257.00 for experts fees and costs, for a condemnation action involving approximately 5 acres, (Tract No. 003-786 Cary I. Gatewood and Imogene S. Gatewood) within the designated boundaries of the Critical CREW (Southern Corkscrew Regional Ecosystem Watershed) Project styled South Florida Water Management District v. Camille B. Snyder, et al., filed in the 20th Circuit Court for Lee County, Florida, Case No. 04-CA-1334; providing an effective date. (Ed Artau, x6431)

29. **2005-720** A Resolution of the Governing Board of the South Florida Water Management District to authorize a settlement agreement for \$113,400.00, plus \$28,842.00 for statutory attorneys fees, and \$14,485.00 for experts fees and costs, for a condemnation action involving approximately 5 acres, (Tract No. 003-198 Jeffrey Tod Smith) within the designated boundaries of the Critical CREW (Southern Corkscrew Regional Ecosystem Watershed) Project styled South Florida Water Management District v. Richard H. Capen, Jr., et al., filed in the 20th Circuit Court for Lee County, Florida, Case No. 04-CA-1657; providing an effective date. (Ed Artau, x6431)
30. **2005-721** A Resolution of the Governing Board of the South Florida Water Management District to authorize a settlement agreement for \$183,000.00, plus \$49,170.00 for statutory attorneys fees, and \$14,485.00 for experts fees and costs, for a condemnation action involving approximately 10 acres, (Tract No. 003-194 Merton W. Snow) within the designated boundaries of the Critical CREW (Southern Corkscrew Regional Ecosystem Watershed Project) styled South Florida Water Management District v. Richard H. Capen, Jr., et al., filed in the 20th Circuit Court for Lee County, Florida, Case No. 04-CA-1657; providing an effective date. (Ed Artau, x6431)
31. **2005-722** A Resolution of the Governing Board of the South Florida Water Management District to authorize a settlement agreement for \$210,000.00, plus \$59,400.00 for statutory attorneys fees, and \$14,485.00 for experts fees and costs, for a condemnation action involving approximately 5 acres, (Tract No. 005-022 Thomas and Tina Pryor) within the designated boundaries of the Critical CREW (Southern Corkscrew Regional Ecosystem Watershed) Project styled South Florida Water Management District v. Richard H. Capen, Jr., et al., filed in the 20th Circuit Court for Lee County, Florida, Case No. 04-CA-1657; providing an effective date. (Ed Artau, x6431)
32. **2005-723** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year contract with two (2) additional one year options with ArchivesOne , LLC, for offsite records storage services, in an amount not to exceed \$215,000 of which \$35,000 of ad valorem funds are budgeted in FY05 and the remainder is subject to Governing Board approval of the FY06-FY07 budgets; providing an effective date. (Contract Number OT050003).
33. **2005-724** A Resolution Of The South Florida Water Management District requesting release of funds to carry out surface water restoration projects funded by the Florida Legislature in the General Appropriations Act for FY 2005 / 2006; providing an effective date. (Frank Bernardino x2721)

Corporate Resources

34. **2005-725** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District budget as shown on the attachment hereto; providing an effective date (Doug Bergstrom, X6214)

35. **2005-726** A Resolution of the Governing Board of the South Florida Water Management District amending the Fiscal Year 2004 2005 Budget; providing an effective date (Doug Bergstrom, X6214)
36. **2005-727** A Resolution of the Governing Board of the South Florida Water Management District adopting proposed FY05-06 millage rates for the purpose of notifying county property appraisers for publication on Truth-In-Millage (TRIM) notices; providing an effective date (Doug Bergstrom, X6214)
37. **2005-728** A Resolution of the Governing Board of the South Florida Water Management District authorizing the creation of the South Florida Water Management District Leasing Corporation in connection with the financing of the Acceler8 Projects; approving the form of articles of incorporation of the leasing corporation; authorizing and directing the executive director to file the articles of incorporation and other necessary documentation with the Florida Secretary of the State; authorizing the Executive Director to serve as the incorporator of the leasing corporation; appointing Angell Corporate Services, Inc. as the initial registered agent, and providing effective date.

Project Sponsor: Paul E. Dumars, Sr (X6212) and Rick Miller

38. **2005-729** A Resolution of the Governing Board of the South Florida Water Management District naming Citigroup Global Markets, Inc. as Senior Managing Underwriter of the Underwriting Team named by the Governing Board in Resolution No. 2005-639 for the purpose of marketing the Certificates of participation and other debt instruments to be issued to finance the construction of Acceler8 Improvements; providing an effective date.
39. **2005-730** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment for 3 years to contract OT050568 with Copyco, Inc. for high speed copier services, in an amount not to exceed \$286,250 of which \$23,854 of ad valorem funds are budgeted in FY05 and the remainder is subject to Governing Board approval of the FY06-FY08 budgets; providing an effective date. (Contract Number OT050568-A01).
40. **2005-731** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with Miami-Dade County for Dredging of Acceptance Sections 3 and 4 of the Miami River in the total amount of \$1,292,830 of which the District's total contribution is not to exceed \$600,000, for which dedicated funds (State Appropriation) are budgeted; providing an effective date. (Contract Number OT050662)

41. **2005-732** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a five (5) year Local Governmental Agreement with Highlands Soil and Water Conservation District for management of payments to designated pilot project recipients who will store and treat runoff on private lands in an amount not to exceed \$500,000 which is unbudgeted; and authorize a budget transfer from land acquisition associated costs in the amount of \$500,000 from dedicated funds (Water Management Land Trust Fund) to local government interagency expenditures; providing an effective date. (Contract Number OT050889).

Operations and Maintenance

42. **2005-733** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 150 day contract with Globetec Construction LLC, the lowest responsive and responsible bidder, for L-65 & L-64 Erosion Repairs (Hurricane Related Damages) in the amount of \$588,000 which is unbudgeted, and authorize a budget substitution from Pump Station Modification/Repair in the amount of \$120,000 in ad valorem funds (Okeechobee Basin Capital Fund) to L-65 & L-64 Erosion Repairs; and the remainder is subject to Governing Board approval of the FY06 budget; providing an effective date. (Contract Number CN051012).
43. **2005-734** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to purchase order P402508 with Kyra Infotech, Inc., for a System Architect, to extend the time period from July 14, 2005 through March 31, 2006, in the amount of \$126,160 of which FY05 ad valorem funds are budgeted in the amount of \$39,840, and the remaining \$86,320 is subject to Governing Board approval of the FY06 budget; providing an effective date. (Purchase Order Number P402508)

Project Manager: Ken Stewart at ext: 2794

44. **2005-735** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 210 day contract with CEM Enterprises Inc., the lowest responsive and responsible bidder, for C-35, C-36 and C-37 Erosion Repairs (Hurricane Related Damages) in the amount of \$927,777 which is unbudgeted, and authorize a budget substitution from Pump Station Modification/Repair in the amount of \$278,333 in ad valorem funds to C-35, C-36 and C-37 Erosion Repairs; and the remainder is subject to Governing Board approval of the FY06 budget; providing an effective date. (Contract Number CN050518).
Project Sponsor: Jose D. Guardiario Jr at ext: 2594

45. Board Vote on Consent Agenda

9:45 am

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 12, 13, 14, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45
Vote called. Voting yes: Irela Bagué, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

Discussion Agenda

Water Resources

46. Approve Environmental Resource Permit Application 050307-11 for construction of a 27.57-acre single family residential development known as River Landing (St. Lucie County) (Don Medellin, ext 6340) (Beth Kacvinsky, ext 6632) (5P/5D)

Chip Merriam, Deputy Executive Director, Water Resources, provided an oral presentation.

4:29 pm

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

Vote called. Voting yes: Irela Bagué, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

47. Approve the renewal and modification of Water Use Permit Application 030508-14 for the City of North Lauderdale to meet the demands of the existing and projected population with an increase in allocation (Broward County) (Scott Burns, ext 6817)

Mr. Merriam provided an oral report on this item.

Mr. Collins spoke on the permit and asked if all the issues that have been raised have been resolved. Mr. Merriam said all issues have been resolved. Information regarding modification and reuse were provided. Mr. Collins asked further questions and Mr. Merriam provided information regarding the reuse study. Broward County is not concerned and the Mayor of Broward County, Kristin Jacobs, is very receptive to the proposal.

Mr. Collins said he is comfortable with the matter.

9:57 am

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

Vote called. Voting yes: Irela Bagué, Lennart Lindahl, Kevin McCarty, Malcolm Wade. Not present: Nicolás Gutiérrez, Harkley Thornton. Motion passed.

48. Approve the renewal and modification of Water Use Permit Application Number 040513-19 for the City of Homestead to meet the demands of the existing population with a 20-year duration and a modification to increase the allocation to meet the projected demands with a 5-year duration (Miami-Dade County) (Scott Burns, ext 6817)

This item was moved on the Discussion agenda by Mr. Collins to later in the day in order for Mr. Merriam to obtain additional information. Mr. Merriam provided an oral report on this item.

Mr. Collins said his Board packet did not contain the backup information and he asked Ms. Kowalsky to make sure he is briefed on this issue. Ms. Bague also asked that she be briefed. Mr. Collins asked further questions on the timeline.

1:23 pm

Motion made by Michael Collins, seconded by Irela Bagué to Approve the following item(s): 48

Vote called. Voting yes: Alice Carlson, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 49. 2005-736** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 300 day contract with GlobeTec, the lowest responsive and responsible bidder, for surface facilities construction at the Hillsboro Aquifer Storage and Recovery Pilot Project in the amount of \$2,240,000 for which ad valorem funds of \$135,000 are budgeted; and the remainder is subject to Governing Board approval of the FY06 budget; and authorize a budget transfer from Water Supply Department, Planning and Resource Evaluation Division, Interagency Expenses-Local Governments in the amount of \$135,000 from ad valorem funding to Implementation Division, Water Control Structures; providing an effective date. (Contract Number CN050254). Project Sponsor: Richard H. Nevulis at ext: 6242

Mr. Merriam provided information on his working relationship with Harry Pepper and Company. He has supplied a memorandum to the Board providing information on why he did not recommend this firm to hand the contract.

Mr. Lindahl provided comment on the work performed of Harry Pepper and Company in the past.

Ms. Bague agreed to have Mr. Staak of Harry Pepper to speak again.

Mr. Staak gave information on contractor responsibility and since they are the lowest responsive bidder, he would like the protest seen through before the Board takes action.

3:59 pm

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

Vote called. Voting yes: Irela Bagué, Alice Carlson, Harkley Thornton, Malcolm Wade. Not present: Nicolás Gutiérrez, Kevin McCarty. Motion passed.

- 50. 2005-737** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 2 year contract with Hydromentia, Inc. for Algal Turf Scrubber Nutrient Recovery Facility, and authorize a Sole Source Procurement as an exception to the general standards of competition, in the amount of \$1,800,000, for which dedicated funds (Lake Okeechobee Trust Fund) are subject to Governing Board approval of the FY06 budget; providing an effective date. (Contract Number OT051045) Project Sponsor: Rodolfo R. Villapando at ext: 2936

Staff to brief Ms. Bague on all sole source contracts

Mr. Merriam provided an oral presentation on this item.

Mr. Collins comments on the need for this type of project.

Ms. Bague asked for information on the background of working with this company since it is a sole source contract. She asked staff to brief her on all sole source contracts.

4:10 pm

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

Vote called. Voting yes: Irela Bagué, Lennart Lindahl, Harkley Thornton, Malcolm Wade. Not present: Nicolás Gutiérrez, Kevin McCarty. Motion passed.

- 59. Office of Policy and Legislation Update** Kathy Copeland

Ms. Copeland provided an oral update on the activities during the last month.

Ms. Copeland announced her resignation from the District and said she would be working for the Council on Environmental Quality in Washington, DC.

The Governing Board members provided comment on the outstanding job Ms. Copeland has done on behalf of the SFWMD.

Ms. Wehle announced she had spoken with Secretary Castille of the Department of Environmental Protection (DEP) regarding a replacement for Ms. Copeland. Mr. Ernie Barnett of DEP will be taking the position of Director of the Office of Policy and Legislation.

Mr. Collins provided Board comment on this action. He regrets that Ms. Copeland will be leaving the agency, but said the District is very lucky to have someone of the caliber of Ernie Barnett to accept the position.

Chair McCarty agreed.

Mr. Wade provided Board comment and said he had worked with Ms. Copeland for many years, and he recognized her for the outstanding job she has done for the District.

CERP

- 18. 2005-704** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Florida Fish and Wildlife Conservation Commission to establish Stormwater Treatment Areas (STAS) 1 West, 3/4 and 5 as public small game hunting areas and manage waterfowl hunts at STA-1 West, STA-3/4 and STA-5 during the 2005-2006 waterfowl hunting season; providing an effective date. (F. Davis, ext. 6636)

Moved from Consent Agenda to Discussion Agenda.

Mr. Collins provided Board comment on this issue and he spoke to John Dunnuck regarding small game hunting areas, and he wants to make sure staff does not run issues through committees (i.e., WRAC Recreational Committees (or any committees) and did not go back to WRAC in final form. Staff should not run items through advocate committees and not run back through WRAC. This was then put on the Governing Board agendas without going through WRAC. This must be done.

10:21 am

Motion made by Michael Collins, seconded by Malcolm Wade to Approve the following item(s): 18

Vote called. Voting yes: Irela Bagué, Alice Carlson, Kevin McCarty, Harkley Thornton. Not present: Nicolás Gutiérrez. Motion passed.

51. **2005-738** A Resolution of the Governing Board of the South Florida Water Management District authorizing eminent domain proceedings for the acquisition of land interests containing 2053.60 acres, more or less, in Highlands County, for the Kissimmee River Restoration Project; for which funds are budgeted within the Florida Forever Trust Fund, subject to a FY05 Budget Amendment and approval of FY06 budget; 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.

2005-739 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a Settlement Agreement that provides for entering into a Stipulated Order of Taking and Consent Final Judgment in a condemnation action to be filed involving 2053.60 acre, more or less, for the Kissimmee River Project, to be styled South Florida Water Management District vs. Putnam Groves, Inc., and filed in the 10th Circuit Court for Highlands County, Florida, in the amount of \$25,000,000.00, for which dedicated funds, Florida Forever Trust Fund, are available, subject to a FY 05 Budget Amendment and approval of FY06 budget, and to authorize the Executive Director to execute the Settlement Agreement;, and to authorize the General Counsel to execute the Stipulated Order of Taking and Consent Final Judgment; providing an effective date.

2005-740 A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement form the Department of Environmental Protection for the purchase of land interests containing 2053.60 acres, more or less, in the amount of \$25,000,000.00 from Florida Forever Trust Fund; and associated costs; for the Kissimmee River Restoration Project in Highlands County; providing an effective date. (R. Clements, ext. 6271)

Ms. Clements presented information on this item. Staff asked for approval and reimbursement.

Ms. Clements thanked the seller's family for all their assistance in the acquisition of the land.

8:43 am

Motion made by Harkley Thornton, seconded by Michael Collins to Approve the following item(s): 51

Vote called. Voting yes: Irela Bagué, Alice Carlson, Lennart Lindahl, Kevin McCarty, Malcolm Wade. Not present: Nicolás Gutiérrez. Motion passed.

83. Add On Item

2005-736 A Resolution of the Governing Board of the South Florida Water Management District to approve the partial release of a portion of an easement interest containing 8.17 acres, more or less, in Section 23, Township 40 South, Range 32 East, Glades County, Lake Okeechobee Aquifer Storage and Recovery Project in exchange for an easement interest containing 6.15 acres, more or less, in Section 23, Township 40 South, Range 32 East, Glades County, Lake Okeechobee Aquifer Storage and Recovery Project; providing an effective date. (J. Dunnuck, ext. 6016)

John Dunnuck, Department Director, Land Management & Operations, SFWMD, presented information on this item.

10:24 am

Motion made by Malcolm Wade, seconded by Lennart Lindahl to Approve the following item(s): 83

Vote called. Voting yes: Irela Bagué, Alice Carlson, Michael Collins, Kevin McCarty. Not present: Nicolás Gutiérrez, Harkley Thornton. Motion passed.

- 84.** Add On Item
2005-737 A Resolution of the Governing Board of the South Florida Water Management District to authorize ratifying the Agreement with Schickendanz Capital Group, LLC., dated November 5, 2002, in the amount of \$200,000 as revenue to the District, for maintenance of certain District lands adjacent to the western boundary of the Jupiter Isles Development;, Palm Beach County; providing an effective date. (Contract Number C-15949). (F. Davis, ext. 6636)

Mr. Dunnuck presented information on this item.

10:25 am

Motion made by Lennart Lindahl, seconded by Malcolm Wade to Approve the following item(s): 84

Vote called. Voting yes: Irela Bagué, Alice Carlson, Michael Collins, Kevin McCarty. Not present: Nicolás Gutiérrez, Harkley Thornton. Motion passed.

Operations and Maintenance

- 52.** **2005-741** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 210 day contract with Gulf Group, Inc., the lowest responsive and responsible bidder, for S-65A Erosion Repairs, Osceola County, Fl. (Hurricane Related Damages) in the amount of \$2,976,697 which is unbudgeted, and authorize a budget substitution from Pump Station Modification/Repair in the amount of \$893,009 in ad valorem funds to S-65A Erosion Repairs; and the remainder is subject to Governing Board approval of the FY06 budget; providing an effective date. (Contract Number CN051024).

Project Sponsor: Leslie J Wood at ext: 6295

George Horne, Deputy Executive Director, Operations & Maintenance, presented information on this item.

Mr. Lindahl provided Board comment.

10:10 am

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

Vote called. Voting yes: Alice Carlson, Kevin McCarty, Harkley Thornton, Malcolm Wade. Not present: Irela Bagué, Nicolás Gutiérrez. Motion passed.

- 53.** Public Comment

Rick Diaz, representing Lee County Utilities, Ft. Myers, provided information on Lee County projects and he strongly supports the District. He thanked Ms. Kowalsky for her assistance. Bidding should begin now in order to get the projects built as soon as possible.

Mr. Collins provided board comment and said the District would like to have some flexibility, and he thinks this is the intent of Senator Paula Dockery's bill. Tom Olliff provided additional information. Mr. Diaz provided information on the Alternative Water Supply commission where he served for many years.

Mr. Collins said that this will coincide with the Water Supply Plans.

Paul Mattausch, representing Collier County, Naples, Florida, provided comment on Senate Bill 444 said he believes some water utilities companies are unaware of the bill. He said most utilities are aware of the funding and are ready to move ahead. He is confident in Ms. Kowalsky and District staff.

Committees and Commissions of the Board

54. Water Resource Advisory Commission Update - Michael Collins, Chair

Mr. Collins said that Cal Neidrauer will be made the Chair of the Technical Sub-Committee. Mr. Collins suggested having a final report within 90 days. Mr. Wade provided comment. A determination if some sort of compensation will be supplied to the participants and Mr. Olliff will check into that.

Information on the WRAC Lake Okeechobee Committee Technical Sub-Committee was provided. Mr. Collins asked for recommendations from Governing Board members on members of the group. Discussion of expertise and knowledge of the required data for all committee members, and they should not be WRAC members. The environmental community had provided several names. Other recommendations were discussed. It was suggested that no SFWMD staff member should be on the technical committee. Representatives from the Seminole and Miccosukee tribes will be selected by the tribes. Other suggested members of the committee were announced by Mr. Collins.

Mr. Lindahl provided comment. The Seminole Tribe of Indians must provide a technical person. Mr. Collins said they do have specialist in the area. We have a good relationship with the Tribe and they will provide a technical person. He does not object to having one technical person from the District.

Mr. Wade made a recommendation of having Cal Neidrauer, SFWMD, to be on the committee. Mr. Lindahl said he is all right with the proposal by Mr. Collins. Governing Board members agreed with the recommendations of Mr. Collins.

Mr. Collins provided an oral report on the WRAC activities for June and July 2005.

A briefing on ASR was given to the WRAC by Walter Wilcox and he would like that briefing given to the Governing Board members.

55. Audit and Finance Committee Report - Lennart Lindahl, Chair

Mr. Lindahl reported on the July 6, 2005 Committee meeting and provided the Board with a review of what presentations and recommendations were made.

Ms. Williams provided an update to the Board on the Ombud's monthly activities.

56. Land Resources and Regulatory Committee Report - Harkley Thornton, Chair

Ms. Williams provided an update to the Board on the Ombud's monthly activities.

Mr. Thornton provided an oral report on the Committee's activities at the July 6, 2005 meeting.

Staff Reports

Executive Office

57. Water Conditions Report Bob Howard P.E.

Mr. Howard presented information on the June rainfall throughout the District.

Information was provided concerning Lake Okeechobee (Lake) and the July rainfall. The area is extremely wet. June ended with the 3rd highest recordable rate in water levels.

Mr. Thornton asked about tracking in the Butler Chain of Lakes and Mr. Howard said he would get the figures for him. Tom Genovese provided information and said monthly updates will be provided. This is for Butler Chain and areas around Kissimmee.

Mr. Howard continued his presentation with information on the Lake's regulatory schedule. This may be a historical high for the Lake level.

An update on tropical storm Emily was provided.

Staff is working with the USACOE regarding removal of water from Lake Okeechobee and releases that will improve conditions. Conditions in the southwest portion of the District and on the Kissimmee River were reported. Most of the District has suffered extremely high water levels, with the exception of Palm Beach County.

Mr. Lindahl provided Board comment on the excessive amount of water currently in the District's reservoirs, lakes and estuaries. Mr. Howard provided information. Mr. Lindahl said he has worked with Ms. Wehle and Karen Smith (Director, Martin/St. Lucie Service Center) on the problems in the Martin/St. Lucie area.

Mr. Thornton provided Board comment and said he appreciated Mr. Lindahl's comments. The upper basin is full and it is sometimes two feet above normal. He thanked Mr. Lindahl again for his comments. Mr. Lindahl said a compartmentalization of the area is impossible - -- everything is systemic.

Mr. Wade provided Board comment on drought conditions in the past, and said that currently impacts are astronomical - if there has to be any errors, then the District must error on the side of caution. The area is in a very difficult state right now.

58. Lake Okeechobee Conditions Report Susan Gray

Dr. Gray presented information on Lake Okeechobee conditions. There has been slow improvement. The Lake is at 16.5' today. The July 2005 Position Analysis was presented. The Lake level management strategies were discussed.

Mr. Lindahl spoke on statistical probabilities and the impact of future rain will have on the Lake.

Mr. Collins provided comment on consideration of every (all) possibilities that concern safety matters. Dr. Gray said this is being worked on. Mr. Collins thanked her for keeping on top of all events.

Ms. Williams provided an update to the Board on the Ombud's monthly activities.

60. Ombuds Report Carolyn Williams

Ms. Williams provided an update to the Board on the Ombud's monthly activities.

Scott Glazier, Practice Group Manager, Office of Counsel, SFWMD, provided an oral report on the activities of the Office of Counsel.

61. Calendar Update Garrett Wallace

Mr. Wallace provided an update of future meetings at SFWMD.

62. General Counsel Report Sheryl Wood

Scott Glazier, Practice Group Manager, Office of Counsel, SFWMD, provided an oral report on the activities of the Office of Counsel.

63. Executive Directors Report Carol Ann Wehle

Ms. Wehle provided a monthly report to the Governing Board members and asked if there was any feedback. Information regarding future activities of staff in the Executive Office was provided. She announced to the Governing Board that Sandra Turnquest (former Department Director for Human Resources, HR Solutions) had accepted the position of Deputy Executive Director of Corporate Resources and welcomed her to the Executive Office.

Closed Door Agenda

Executive Office

64. Closed-door Session

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) 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.

Scott A. Glazier, Litigation Practice Group Manager, Office of Counsel

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) 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.

Scott A. Glazier, Litigation Practice Group Manager, Office of Counsel

Chair McCarty recessed the meeting to a Closed Door Session.

Meeting was reconvened and no Governing Board action was taken on this item.

66. Board Comment

No Board comment was made.

Adjournment

Kevin McCarty, Chair
