



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

This meeting is open to the public

April 11, 2013

10:00 AM

District Headquarters - B-1 Auditorium
3301 Gun Club Road
West Palm Beach, FL 33406

FINAL

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

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

1. Call to Order - Dan O'Keefe, Chair, Governing Board
2. Pledge of Allegiance - Dan O'Keefe, Chair, Governing Board
3. Administer the Oath of Office to Frederick 'Rick' Barber, Mitchel A. Hutchcraft and Kevin P. Powers
4. Employee Recognitions - Presented by Melissa Meeker, Executive Director
 - April Employee of the Month: Jeffrey Smith, Lead Scientist, Operations, Maintenance & Construction Division
 - April Team of the Month: Office Relocations Team

- 25 Year Service Recognition: Thomas McCracken, Business Manager, Administrative Services Division
 - 35 Year Service Recognitions: Steve Smith, Scientist 3, Operations, Maintenance & Construction Division, and Lisa Cannon, Lead Planner, Everglades Policy & Coordination Office
5. Agenda Revisions - Reagan Walker, Director, Office of Governing Board & Executive Services
 6. Abstentions by Board Members from items on the Agenda
 7. Water Resources Advisory Commission (WRAC) Report - Kevin Powers, Chair
 8. Audit & Finance Committee Report - Timothy Sargent, Chair

Consent Agenda

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

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

9. Public Comment on Consent Agenda
 10. Pull Items for Discussion from Consent Agenda
 11. Board Comment on Consent Agenda
- Consent Items
12. Approval of Minutes for the March 14, 2013, Regular Business meeting held in West Palm Beach, Florida
 13. Regulatory Consent Items
 - Permit Denials
 - Conservation Easement Amendment and Releases
 - Water Use Variances
 14. Right of Way Occupancy New Permits
 15. Waivers for Water Resources Advisory Commission (WRAC) Members pursuant to Section 112.313, Florida Statutes
 16. **Resolution No. 2013 - 0401** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District's FY2012-2013 budget totaling \$215,948 for the replacement of CERPZone hardware in 2013; providing an effective date. (AS, Mike Smykowski, ext. 6295)
 17. **Resolution No. 2013 - 0402** A Resolution of the Governing Board of the South Florida Water Management District accepting the Lake Belt Mitigation Committee Annual Report for 2012; providing an effective date. (WR, Terrie Bates, ext. 6952)

18. **Resolution No. 2013 - 0403** A Resolution of the Governing Board of the South Florida Water Management District approving Release of District Canal Reservations and Release of Trustees of the Internal Improvement Trust Fund Canal Reservations; providing an effective date. (OMC, Kathy Massey, ext. 6835)
19. **Resolution No. 2013 - 0404** A Resolution of the Governing Board of the South Florida Water Management District approving entering into a 50-year license agreement with the National Park Service for purposes of providing public access into the Big Cypress Preserve across portions of the L-28 Interceptor levee in Sections 4, 5, 9, 10, 14, 15, 22, 23, 25, 26, 35 and 36, Township 49 South, Range 34 East, Collier County; Sections 1 and 2, Township 50 South, Range 34 East, Collier County; and affirmatively opening the subject portions of the L-28 Interceptor levee as a roadway for public use; providing an effective date. (Contract No. 4600002835) (OMC, Steve Coughlin, ext. 2603)
20. **Resolution No. 2013 - 0405** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a contract with Habitat Restoration, Inc., the lowest responsive and responsible bidder, to offset wetland impacts associated with construction of the State Road 417 and Florida Turnpike Interchange Project, in an amount not to exceed \$1,160,000, subject to the receipt of funds provided by the Orlando-Orange County Expressway Authority; providing that Habitat Restoration Inc. obtains required permits, the District will proceed with the next lowest responsive and responsible bidder within the not to exceed amount, until permits are obtained; providing an effective date. (Contract No. 4600002842) (OMC, Marjorie Moore, ext. 6104)
21. **Resolution No. 2013 - 0406** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a facilities relocation agreement with Florida Power and Light Company to provide design and relocation of four (4) transmission structures located within the C-44 reservoir/stormwater treatment area project footprint, in the amount of \$521,228.84, of which \$64,000.00 has already been provided as a deposit and for which the remaining \$457,228.84 ad valorem funds are budgeted; providing an effective date. (Contract Number 4600002701) (OMC, Jeff Kivett, ext.2680)
22. Board Vote on Consent Agenda
23. General Public Comment

Workshop

24. Technical Reports
 - A) Water Conditions Report - Tommy Strowd, Assistant Executive Director, Operations, Maintenance & Construction (ext. 6998)
 - B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources (ext. 6952)
25. Central Everglades Planning Project Update - Ernie Barnett, Assistant Executive Director, Everglades & Water Resources (ext. 2110)
26. Land Assessment Process Update - Ray Palmer, Section Leader, Real Estate (ext. 2246)
27. Big Cypress Basin Function and Budget Overview - Dan DeLisi, Chief of Staff (ext. 6232)
28. Future Operations & Maintenance Costs for New Works - Doug Bergstrom, Division Director, Administrative Services (ext. 6214)

Discussion Agenda

29. **Resolution No. 2013 - 0407** A Resolution of the Governing Board of the South Florida Water Management District supporting the Florida Section of the American Water Works Association in declaring April as Water Conservation Month in Florida; providing an effective date. (WR, Jim Harmon, ext. 6777)
30. General Public Comment

Staff Reports

31. Monthly Financial Statement - Doug Bergstrom, Division Director,
Administrative Services Division
32. General Counsel's Report - Carolyn S. Ansay
33. Executive Director's Report - Melissa L. Meeker
Reports on permits issued by authority delegated to the Executive Director
from March 1-31, 2013.
34. Board Comment

Attorney Client Session

35. Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2012), to discuss strategy related to litigation expenditures and/or settlement negotiations in Administrative Appeal dated November 15, 2012, by the South Florida Water Management District to Major Phillip May, Regional Administrator, Region IV, Federal Emergency Management Agency (FEMA) of the FEMA decision to deobligate funds for the 2004-2005 Hurricanes. (Carolyn S. Ansay, ext. 6976)

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

Action Items (if any) Stemming from Attorney Client Session

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36. Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2012), to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

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38. Adjourn