



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

This meeting is open to the public

May 9, 2013

9:00 AM

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

FINAL

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

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

1. Call to Order - Dan O'Keefe, Chair, Governing Board
2. Pledge of Allegiance - Dan O'Keefe, Chair, Governing Board
3. Recognition of former Governing Board Member Joe Collins - Dan O'Keefe, Chair, Governing Board
4. Employee Recognitions - Presented by Melissa Meeker, Executive Director
 - May Employee of the Month and Good Samaritan Award: Ed Artau, Senior Attorney, Office of Counsel
 - May Team of the Month: Land Management Team, Operations, Maintenance & Construction

- 25 Year Service Recognition: Tom Teets, Federal Policy Chief, Everglades Policy & Coordination
- 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

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.***

8. Public Comment on Consent Agenda
9. Pull Items for Discussion from Consent Agenda
10. Board Comment on Consent Agenda
11. Approval of Minutes for the April 11, 2013, Regular Business meeting held in West Palm Beach, Florida
12. Regulatory Consent Items
 - Permit Denials
 - Consent Orders
 - Conservation Easement Amendment and Releases
 - Water Use Variances
13. Right of Way Occupancy New Permits
 - Right of Way Occupancy Permit Modifications
14. Waivers for Water Resources Advisory Commission (WRAC) Members pursuant to Section 112.313, Florida Statutes
15. **Resolution No. 2013 - 0501** A Resolution of the Governing Board of the South Florida Water Management District approving release of District canal, road and mineral reservations, and issuance of non-use commitments; providing an effective date. (OMC, Kathy Massey, ext. 6835)
16. **Resolution No. 2013 - 0502** A Resolution of the Governing Board of the South Florida Water Management District approving the conveyance of fee owned right of way interests containing 0.19 acres, more or less, to Miami-Dade County at no cost; being a portion of the C-103S right of way, in Section 18, Township 57 South, Range 39 East, Miami-Dade County, and approve the waiver of the reservation of rights pursuant to Section 270.11, Florida Statutes, subject to satisfaction of certain terms, conditions and requirements; providing an effective date. (OMC, Kathy Massey, ext. 6835)

17. **Resolution No. 2013 - 0503** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Executive Director, or her designee, to take appropriate action in the casting of South Florida Water Management District landowner votes in the June 2013 election for the Board of Supervisors of the Troup Indiantown Water Control District for the purpose of protecting the District's interests; providing an effective date. (OMC, Ray Palmer, Ext. 2246)
18. **Resolution No. 2013 - 0504** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Executive Director, or her designee, to take appropriate action in the casting of South Florida Water Management District landowner votes in the June 2013 election for the Board of Supervisors of the Pine Tree Water Control District for the purpose of protecting the District's interests; providing an effective date. (OMC, Ray Palmer, ext. 2246)
19. **Resolution No. 2013 - 0505** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Executive Director, or her designee, to take appropriate action in the casting of District landowner votes in the June 2013 election for the Board of Supervisors of the Pal Mar Water Control District for the purpose of protecting the District's interests; providing an effective date. (OMC, Ray Palmer, ext. 2246)
20. **Resolution No. 2013 - 0506** A Resolution of the Governing Board of the South Florida Water Management District approving a new 10-year lease agreement for 570.77 acres in Palm Beach County, between the current lessee Pero Family Farms, Inc., Palm Beach County and the District in the amount of \$178,477.50 per year as revenue to the District; providing an effective date. (Contract Number 4600002862) (OMC, Jayne Bergstrom, ext. 2864)
21. **Resolution No. 2013 - 0507** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Florida Fish and Wildlife Conservation Commission to manage alligator and waterfowl hunting opportunities on Tract numbers D7100-101, 49104-001, and 49104-002 consisting of approximately 11,389 acres within Compartment C and STA 6 in Hendry County during 2013 and subsequent years, subject to certain terms and conditions; providing an effective date. (OMC, Dan Cotter, ext. 2301)
22. **Resolution No. 2013 - 0508** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Florida Fish and Wildlife Conservation Commission to establish SFWMD tracts consisting of approximately 4892 acres in Miami-Dade County, and approximately 1170 acres in St. Lucie County, as Public Small Game Hunting Areas for the 2013-14 hunting season and manage waterfowl, small game, non-native reptile and hog hunting on such lands subject to terms and conditions; providing an effective date. (OMC, Dan Cotter, ext. 2301)

23. **Resolution No. 2013 - 0509** A Resolution of the Governing Board of the South Florida Water Management District authorizing a three-year contract with two (2) one-year renewal options with James L. King and Associates, Inc., the lowest responsive and responsible bidder, for Flat Mowing Services in the Clewiston Field Station area, in the amount of \$740,155.26 for three years, of which \$158,605.70 in ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY14-FY16 budgets; providing an effective date. (Contract Number 4600002863) (OMC, Mitchell Murphy, ext. 3218)
24. **Resolution No. 2013 - 0510** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a Memorandum of Understanding with Palm Beach Aggregates, LLC to establish the framework of responsibilities for the design, permitting, construction and operation of the Phase 1 C-51 Reservoir; providing an effective date. (Contract Number 4600002864) (REG, Lennart Lindahl, ext. 6283)
25. **Resolution No. 2013 - 0511** A Resolution of the Governing Board of the South Florida Water Management District amending Section 101-222 (a) and (b), Section 120-1 (e) and (f) and Section 140 –12 (b), (c) and (d) of the District Policies Code regarding Governing Board Committees to provide consistency regarding the number of members, the appointment of Committee chairs and vice-chairs and the frequency of meetings; providing for inclusion in the District Policies Code; providing for severability; providing an effective date. (EXO, Dan DeLisi, ext. 6232)
26. Board Vote on Consent Agenda
27. General Public Comment

Workshop

28. 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)
29. Land Assessment Process Update - Ray Palmer, Section Leader, Real Estate (ext. 2246)
30. Central Everglades Planning Project Update - Ernie Barnett, Assistant Executive Director, Everglades & Water Resources (ext. 2110)
31. Legislative Update - Ernie Barnett, Assistant Executive Director, Everglades & Water Resources (ext. 2110)
32. Loxahatchee Replacement Storage - Ernie Barnett, Assistant Executive Director, Everglades & Water Resources (ext. 2110)

Discussion Agenda

33. **Resolution No. 2013 - 0512** A Resolution of the Governing Board of the South Florida Water Management District supporting the designation of May 19-25, 2013 as Water Reuse Week in Florida; providing an effective date. (WR, Mark Elsner, ext. 6156)
34. **Resolution No. 2013 - 0513** A Resolution of the Governing Board of the South Florida Water Management District amending Part I, District Policies; Chapter 101, Agency Administration; Article II, Governing Board Delegations of Authority; Division 2, Specific Delegations; Section 101-41, Agency Administration Delegations, of the District Policies Code regarding amendment of the Governing Board's Delegation of Authority to issue Consumptive Use Permits to the Executive Director, providing for inclusion in the District Policies Code; providing for severability; providing an effective date. (REG, Len Lindahl, ext. 6283)
35. **Resolution No. 2013 - 0514** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 790-day contract with Douglas N. Higgins, Inc., the lowest responsive and responsible bidder, for North Shore Trash Rakes S-129 and S-131 Project, in an amount of \$7,843,000, for which \$500,000 in ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY14 and FY15 budgets; providing an effective date. (OMC, John Mitnik, ext. 2679)
36. **Resolution No. 2013 - 0515** A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a 7-year contract with Brown & Caldwell, subject to successful negotiations for the design of the S-5A Repowering and Automation Project, in an amount not-to-exceed \$5,000,000 for which \$100,000 of ad valorem funds are budgeted and the remainder is subject to Governing Board approval of FY14-FY20 budgets; providing that, if negotiations are unsuccessful, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600002851) (OMC, John Mitnik, ext. 2679)
37. **Resolution No. 2013 - 0516** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order agreement with Pantropic Power, Inc., (Caterpillar), to provide three (3) C9.3 engines, associated control panels and controls programming for the S-13 Repowering and Automation Project, and authorize a Sole Source Procurement as an exception to the general standards of competition, in an amount not-to-exceed \$1,300,000 for which \$300,000 in ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY14 budget; providing an effective date. (Purchase Order Number 4500074756) (OMC, John Mitnik, ext. 2679)
38. General Public Comment

Public Hearing

39. Adopt amendments to Rules 40E-6.011, 40E-6.021, 40E-6.031, 40E-6.041, 40E-6.051, 40E-6.091, 40E-6.201, 40E-6.221, 40E-6.321, 40E-6.331, 40E-6.341, 40E-6.351, 40E-6.361, 40E-6.381, 40E-6.451, 40E-6.481, 40E-6.501, 40E-6.521, and 40E-6.601, F.A.C., repeal Rules 40E-6.101, 40E-6.121, 40E-62.011, 40E-62.020, 40E-62.021, 40E-62.023, 40E-62.041, 40E-62.042, 40E-62.043, 40E-62.051, 40E-62.101, 40E-62.301, 40E-62.321, 40E-62.331, 40E-62.341, 40E-62.351, 40E-62.381, and 40E-62.651, F.A.C., and new rules 40E-6.701, 40E-6.711, 40E-6.721, 40E-6.731, 40E-6.741 and 40E-6.751, F.A.C., and the materials incorporated by reference in Rule 40E-6.091, F.A.C., regarding the Right of Way Permitting Program for Works and Lands of the District. (OMC, Jorge Patino, ext. 6175)

40. Adopt amendments or repeal provisions in Chapters 40E-0, 40E-1, 40E-4 and 40E-41, F.A.C., repeal Chapters, 40E-40 and 40E-400, F.A.C., and amend and rename the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, and authorize publication of a Notice of Change if necessary, to address comments from the Joint Administrative Procedures Committee and/or the Office of Fiscal Accountability and Regulatory Reform. (REG, Anita Bain, ext. 6866)

Staff Reports

41. Monthly Financial Statement - Doug Bergstrom, Division Director, Administrative Services
42. General Counsel's Report - Carolyn S. Ansay
43. Executive Director's Report - Melissa L. Meeker
44. Board Comment

Attorney Client Sessions

45. 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.

ATTENDEES: Governing Board Members F. Barber, S. Batchelor, M. Hutchcraft, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director 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

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. (Carolyn S. Ansay, ext. 6976)

46. Adjourn