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## South Florida Water Management District

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### GOVERNING BOARD MONTHLY MEETING AGENDA

*This meeting is open to the public*

October 10, 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, Chairman, Governing Board
2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board
3. Employee Recognitions - Presented by Blake Guillory
  - October Employee of the Month: Larry Gerry, Principal Scientist, Everglades Policy & Coordination
  - October Team of the Month: Aero Jet Silo Capping Project Team
  - 25 Year Service Recognition: Scott Korf, Regulatory Professional, Lower West Coast Service Center
  - 30 Year Service Recognition: Stanley Stringer, Structure Maintenance Technician, Fort Lauderdale Field Station

- Good Samaritan Award: Armando Sampedro, Engineering / Construction Manager, Engineering & Construction Bureau
- 4. Agenda Revisions - Reagan Walker, Director, Office of Governing Board & Executive Services
- 5. Abstentions by Board Members from items on the Agenda
- 6. Water Resources Advisory Commission (WRAC) Report - Tim 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.***

7. Public Comment on Consent Agenda
  8. Pull Items for Discussion from Consent Agenda
  9. Board Comment on Consent Agenda
- Consent Items
10. Approval of Minutes for the September 12, 2013, Regular Business meeting, September 12, 2013, Public Hearing on the Tentative Millage Rates and Tentative Budget, and the September 24, 2013, Public Hearing on the Final Millage Rates and Final Budget
  11. Waivers for the Water Resources Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes
  12. Regulatory Consent Items
    - Denials
    - Consent Orders
    - Conservation Easements, Amendments and Releases
    - Seminole Tribe Work Plans
  13. **Resolution No. 2013 - 1001** A Resolution of the Governing Board of the South Florida Water Management District approving release of District canal and mineral reservations; providing an effective date. (OMC, Kathy Massey, ext. 6835)
  14. **Resolution No. 2013 - 1002** A Resolution of the Governing Board of the South Florida Water Management District to approve granting to Palm Beach County a revocable partial assignment of an undivided interest in certain C-18 canal easement rights, containing 36.7 acres, more or less, in Palm Beach County; providing an effective date. (OMC, Bob Schaeffer, ext. 2985)

15. **Resolution No. 2013 - 1003** A Resolution of the Governing Board of the South Florida Water Management District authorizing staff to amend the descriptions of changes to rules set forth in the 2013-2014 Annual Regulatory Plan to: 1) update C-51 Basin Rules; and 2) amend Rule 40E-4.091, F.A.C., and the Incorporated Environmental Resource Permit Applicant's Handbook, Volume II: for Use Within the Geographic Limits of the South Florida Water Management District. In addition, staff is authorized to submit the Amended 2013-2014 Annual Regulatory Plan to the Office of Fiscal Accountability and Regulatory Reform, in accordance with Executive Order 11-211, and to the Speaker of the House, President of the Senate and Joint Administrative Procedures Committee, in accordance with Section 120.74(3), Florida Statutes; providing an effective date. (OC, Doug MacLaughlin ext. 2153)
16. Authorize publication of a Notice of Proposed Rule in the Florida Administrative Register, and request review from the Office of Fiscal Accountability and Regulatory Reform, to amend Rules 40E-1.021 and 40E-1.6058, F.A.C., to promote regulatory streamlining, cost savings and increase transparency by defining the term "posting" and providing for website posting of the receipt of certain applications, as opposed to newspaper publication. (REG, Sharon Trost, ext. 6814)
17. Authorize publication of Notice of Rule Development in the Florida Administrative Register, and request review from the Office of Fiscal Accountability and Regulatory Reform, to amend Rule 40E-4.091, F.A.C., and the Environmental Resource Permit Applicant's Handbook Volume II: For Use Within the Geographic Limits of the South Florida Water Management District (Volume II), to incorporate by reference an updated "Impaired Waters Guidance Memorandum" into District rules. (REG, Dan Waters, 239-338-2929 ext. 7763)
18. **Resolution No. 2013 - 1004** A Resolution of the Governing Board of the South Florida Water Management District authorizing an amendment to the three-year agreement with Rafter T Realty, Inc. d/b/a Rafter T Ranch for a Florida Ranchlands Environmental Services Pilot Project for the purpose of providing water retention services and pilot project information on ranchlands in the Lake Okeechobee Watershed to extend the agreement three years in an amount not to exceed \$277,470, of which \$92,490 is budgeted in FY14 and the remaining is subject to Governing Board approval of the FY15-FY16 budgets; providing an effective date. (Contract No. 4600001019-A03) (EPC, Temperince Morgan, ext. 6987)
19. **Resolution No. 2013 - 1005** A Resolution of the Governing Board of the South Florida Water Management District to authorize submittal of the proposed 2014 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations to the Florida Department of Environmental Protection for review and approval pursuant to section 373.042(2), Florida Statutes; providing an effective date. (WR, Don Medellin, ext. 6340)

20. **Resolution No. 2013 - 1006** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into one-year agreements with Alternative Water Supply Funding recipients in an amount not to exceed \$345,700 for which ad valorem funds are budgeted; delegating authority to the Executive Director to execute project funding agreements for the projects; providing an effective date. (WR, Mark Elsner, ext. 6156)
21. **Resolution No. 2013 - 1007** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into one-year agreements with Water Savings Incentive Program applicants in an amount not to exceed \$250,000 for which ad valorem funds are budgeted; delegating authority to the Executive Director to execute project funding agreements for the projects; providing an effective date. (WR, Mark Elsner, ext. 6156)
22. **Resolution No. 2013 - 1008** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one-year cost-share agreement with the Everglades Agricultural Area Environmental Protection District for Stormwater Treatment Areas (STAs) optimization support, in the amount of \$780,000, of which the District's total contribution is \$300,000, for which dedicated Everglades Restoration trust funds are budgeted for FY14; providing an effective date. (Contract Number 4600002950) (WR, Kim O'Dell, ext. 2650)
23. **Resolution No. 2013 - 1009** A Resolution of the Governing Board of the South Florida Water Management District to authorize contract amendment 4600001999 Amendment 4 with the Florida Department of Environmental Protection in an amount not to exceed \$20,000 for which ad valorem funds are budgeted; delegating authority to the Executive Director to execute the amendment in support of the Conserve Florida Clearinghouse; providing an effective date. (WR, Mark Elsner, ext. 6156)
24. **Resolution No. 2013 - 1010** A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the District's Water Management Lands Trust Fund Budget for FY14; authorizing the Executive Director or Designee to request reimbursement quarterly based on actual expenditures; providing an effective date (Mike Smykowski, ext. 6295).
25. **Resolution No. 2013 - 1011** A Resolution of the Governing Board of the South Florida Water Management District authorizing a settlement agreement with Black & Veatch Corporation, regarding a contract dispute styled Black & Veatch Corporation v. South Florida Water Management District, filed against the District in the Fifteenth Judicial Circuit for Palm Beach County, Florida, Case No. 2009-CA-31734; providing an effective date. (OC, Kirk Burns, ext. 6546)

26. **Resolution No. 2013 - 1012** A Resolution of the Governing Board of the South Florida Water Management District approving an agreement for the purpose of appointing a successor trustee under the Master Trust Agreement dated November 1, 2006, for the Certificates of Participation (COPs) issued by the South Florida Water Management District; providing an effective date. (OC, Derek Brown, ext. 6278)
27. Board Vote on Consent Agenda
28. General Public Comment

## Discussion Agenda

29. 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)
30. Central Everglades Planning Project Update - Tom Teets, Office Chief, Federal Policy and Coordination, Office of Everglades Policy and Coordination (ext. 6993)
31. **Resolution No. 2013 - 1013** A Resolution of the Governing Board of the South Florida Water Management District authorizing an eleven-year contract with Blue Head Ranch, LLC. for a Dispersed Water Management Program Northern Everglades Payment for Environmental Services Project for the purpose of providing water retention services on ranchlands in the Lake Okeechobee Watershed in an amount not to exceed \$3,805,750, of which \$193,750 is budgeted in FY14 and the remaining is subject to Governing Board approval of the FY15-FY24 budgets; providing an effective date. (Contract No. 4600002877) (EPC, Temperince Morgan, ext. 6987)
32. **Resolution No. 2013 - 1014** A Resolution of the Governing Board of the South Florida Water Management District, to approve an agreement with Palm Beach County for the acquisition by the District of land interests containing 1,896.49 acres, more or less, for the Loxahatchee River Watershed Restoration Project, in Palm Beach County, in the amount of \$26,000,000 and associated costs for which dedicated funds (Save Our Everglades Trust Fund) are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (OMC, Bob Schaeffer, ext. 2985)
33. **Resolution No. 2013 - 1015** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Save Our Everglades Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 1,896.49 acres, more or less, in the total amount of \$26,000,000 and associated costs; for the Loxahatchee River Watershed Restoration Project in Palm Beach, Florida; providing an effective date. (OMC, Bob Schaeffer, ext. 2985)

34. **Resolution No. 2013 - 1016** A Resolution of the Governing Board of the South Florida Water Management District, to approve a Memorandum of Agreement with the Florida Fish and Wildlife Conservation Commission (FFWCC) for the acquisition of land interests containing 150 acres, more or less, in Palm Beach County located within the Corbett Wildlife Management Area for the Loxahatchee River Watershed Restoration Project, and conveyance to FFWCC of land interests containing 150 acres, more or less, in Palm Beach County; approve associated costs for which dedicated funds (Save Our Everglades Trust Fund) and/or ad valorem funds are budgeted; approve declaring surplus for exchange and conveyance of land interests containing a total of 150 acres, more or less, in Palm Beach County, without reservation of interests under Section 270.11, Florida Statutes; providing an effective date. (OMC, Bob Schaeffer, ext. 2985)
35. **Resolution No. 2013 - 1017** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Save Our Everglades Trust Fund by the Department of Environmental Protection for the payment of associated costs not to exceed \$165,000, in connection with the acquisition of land interests containing 150 acres, more or less, for the Loxahatchee River Watershed Restoration Project in Palm Beach County, Florida; providing an effective date. (OMC, Bob Schaeffer, ext. 2985)
36. **Resolution No. 2013 - 1018** A Resolution of the Governing Board of the South Florida Water Management District approving a non-binding letter of intent for exchange of lands under which the South Florida Water Management District will acquire approximately 4,535 acres of land in Palm Beach County and pay cash consideration in the amount of \$5,978,474 Florida Crystals Corporation will acquire approximately 8,713 acres of land in Palm Beach County from the District, and Gladeview Holdings, LC and its manager Knight Management, Inc. will acquire approximately 2,865 acres of land in Palm Beach County from Florida Crystals and receive the \$5,978,474 from the District, all subject to approval of a land exchange agreement by the Governing Board of the South Florida Water Management District; providing an effective date. (EPC, Ernie Barnett, ext. 2110)
37. **Resolution No. 2013 - 1019** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 545-day contract with Central Florida Equipment Rentals, Inc., the lowest responsive and responsible bidder, for the Everglades Agricultural Area A-1 Flow Equalization Basin, in the amount of \$59,921,483, for which \$42,656,845 of Save our Everglades Trust Fund, COPS and ad valorem funds are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15 budget; providing an effective date. (Contract Number 4600002952) (OMC, John Mitnik, ext. 2679)

38. **Resolution No. 2013 - 1020** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 425-day contract with Lucas Marine Acquisition Company, LLC, the lowest responsive and responsible bidder, for G94A, G94C and G94D Refurbishment and G94B and United States Fish and Wildlife Service P1 Pump Removals, in the amount of \$4,250,000 for which ad valorem funds are budgeted in FY14; providing an effective date. (Contract Number 4600002959) (John Mitnik, ext. 2679)
39. **Resolution No. 2013 - 1021** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short listed firms and entering into a one-year contract for Phase I of the design build contract to design and construct the new Big Cypress Basin Field Station facility, subject to successful negotiations with DeAngelis Diamond Construction, Inc., for the 70% design and stipulated price proposal for the Big Cypress Basin Field Station Relocation in an amount not-to-exceed \$1,000,000.00 of which ad valorem funds are budgeted in FY14. Phase II of the contract, subject to Governing Board approval, will deliver 100% plans and specifications and the construction of completed Field Station facility. If negotiations are unsuccessful with DeAngelis Diamond Construction, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated providing an effective date. (Contract Number 4600002947) (OMC, John Mitnik, ext. 2679)
40. General Public Comment

## **Staff Reports**

41. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services
42. General Counsel's Report
43. Executive Director's Report  
Report on permits issued by authority delegated to the Executive Director from September 1-30, 2013.
44. Board Comment

## **Attorney Client Sessions**

### 45. Attorney Client Session - USA

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 B. Guillory; 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