GOVERNING BOARD MONTHLY MEETING
EXECUTIVE SUMMARY AGENDA

This meeting is open to the public
March 12, 2015
9:00 AM
District Headquarters - B-1 Auditorium
3301 Gun Club Road
West Palm Beach, FL 33406

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, Executive Director
   - March Employee of the Month: Steve Sentes, Regulatory Professional Lead, Office of Everglades Policy and Coordination
   - March Team of the Month: S-235 Automation Project Team
   - 25-Year Service Award: Patti Fulton, Senior Project Manager, Operations, Engineering and Construction Division
   - 30-Year Service Award: Cordella Miessau, Geographer Technician 3, Regulation Division
4. Agenda Revisions - Marcia Kivett, Director, Office of Governing Board & Executive Services

5. Abstentions by Board Members from items on the Agenda

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

10. Approval of the Minutes for the February 12, 2015, Governing Board Regular Business meeting held in West Palm Beach, Florida.


12. Regulatory Consent Items
   - Denials
     - Coral Isle Golf Center; United Ventures LLP (ERP-Collier County) - Staff recommends denial due to applicant’s failure to complete the application.
     - Del Prado Boulevard-Formal Wetland Determination; Realmark Group LLC (FWD-Lee County) - Staff recommends denial due to applicant’s failure to complete the application.
   - Conservation Easement Amendments and Releases
     - Lake Nona Land Company, LLC, U S T A Boulevard (Orange County) - Staff recommends the approval of a request for the release of a 1.41 acre portion of a 107.39 acre existing conservation easement including 0.56 acre of wetlands and 0.85 acre uplands/upland buffer within a project known as USTA Boulevard in Orange County. The applicant is requesting the release to modify the location of a previously permitted wetland impact for a revised roadway alignment. A permit modification (Application #141003-3) has been submitted that includes proposed mitigation in the form of adding 0.65 acre of wetland and an additional 0.83 acre of uplands/upland buffer area to the easement. Approximately 105.98 acres of the original conservation easement area will remain with: 73.41 acres of wetlands; 12.58 acres of wetland buffer; 19.99 acres of uplands.
     - Deerfield Land Corporation / Osceola Corporate Center Master Owners Association, OCC Lot 3 Multi-Family (Osceola County) - Staff recommends the approval of a request for the release of a 5.74 acre portion
of a 13.03acre existing conservation easement including 4.43 acres of wetlands and 1.31 acres of uplands/upland buffer within a project known as OCC Lot 3 in Osceola County. The applicant is requesting the release to construct a multi-family development, which is a modification of Permit 49-00477-S-03. A permit modification (App #150127-4) has been submitted that includes proposed mitigation in the form of the purchase of 1.77 credits from the Quickdraw Mitigation Bank. Approximately 7.28 acres of the original conservation easement area will remain with: 5.98 acres of wetlands; and 1.30 acres of upland buffer.

13. **Right of Way Regulatory Consent**

Consideration of a request by **Bahrouz Babapour** (Application Number 07-0328-3) for issuance of a Right of Way Occupancy Permit for the proposed construction of two (2) docks with finger piers, three (3) boat slips and an existing seawall within south right of way of the Dania Cut-Off Canal adjacent to SW 44th Street, Dania, Florida (Lot 11, Block 4, Canal Groves according to the Plat thereof, as recorded in Plat Book 22, Page 31, of the Public Records of Broward County, Florida).

Staff recommends **denial** of the application for issuance of a Right of Way Occupancy Permit for cause in that the applicant is no longer the owner of the land lying adjacent to the canal and therefore is not in compliance with District Rule 40E-6.221(10) F.A.C.

14. **Resolution No. 2015 - 0301** Approve release of canal and road reservations, and issuance of a non-use commitment. (RE, Kathy Massey, ext. 6835)

**Summary**

The District has jurisdiction over certain reserved rights to construct canal and road right of ways, and mineral rights, together with the right of ingress, egress and exploration. Applications requesting releases of these reservations are routinely received from landowners, attorneys, title companies and lending institutions, who consider the reservations to be title defects. Applications are reviewed by appropriate District staff and applicable local governmental agencies to determine that there is no present or future need for the reservations.

**Staff Recommendation**

Staff recommends approval of the following:

- Release of TIITF canal reservations for Oakes Road, LLC, a Florida limited liability company (File No. 1-15-1) for 8.06 acres in Broward County
- Release of TIITF canal reservations for Oakes Road, LLC, a Florida limited liability company (File No. 1-15-2) for 3.93 acres in Broward County
- Release of TIITF canal reservations for Oakes Road, LLC, a Florida limited liability company (File No. 1-15-3) for 3.92 acres in Broward County
- Release of TIITF canal reservations for Oakes Road, LLC, a Florida limited liability company (File No. 1-15-4) for 6.33 acres in Broward County
- Release of TIITF canal reservations for Lennar Flamingo, LLC, a Florida limited liability company (File No. 1-15-5) for 13.47 acres in Broward County
- Release of District canal reservations for MG3 West Hollywood, LLC, a Florida limited liability company (File No. 18612) for 20.00 acres in Broward County
- Release of District canal and road reservations, and issuance of non-use commitment for Palm Aire Associates Limited Partnership, a Delaware limited partnership, (File Nos. 18613 and NUC 1661) for 5.41 acres in Broward County
15. **Resolution No. 2015 - 0302** Approve granting two reciprocal driveway easements over a portion of Lot 1, PLAT OF CITY GATE COMMERCE CENTER, PHASE TWO REPLATS OF LOTS 5 AND 6, recorded in Plat Book 50, Page 24, containing 0.25 acre, more or less; and acceptance of two reciprocal driveway easements and a temporary construction easement over portions of Lot 4, and Tracts B and R, PLAT OF CITY GATE COMMERCE CENTER, PHASE TWO, Plat Book 49, Page 97, containing 1.38 acres, more or less, all being located in Section 35, Township 49 South, Range 26 East, Collier County.  (RE, Marcy Zehnder, ext. 6694)

**Summary**

An exchange of easements is required to enable the District to construct the new Big Cypress Basin Field Station building. Two reciprocal driveway easement agreements will be entered into with the developer and adjacent landowner, 850 NWN, LLC, a Florida limited liability company, to accommodate access and the construction of driveways on District property and the adjacent properties. A temporary construction and right of way easement will be granted to the District to allow the use of common areas for construction of a median crossing, removal of curbing, installation of additional road base and pavement, and installation of sidewalks, pursuant to the approved site plan for construction of the new field station.  
(see attached Exhibit “A” for a graphic depiction of the easements)

**Staff Recommendation**

Staff recommends approval of entering into reciprocal driveway easement agreements with 850 NWN, LLC, a Florida limited liability company, over a portion of Lot 1, PLAT OF CITY GATE COMMERCE CENTER, PHASE TWO REPLATS OF LOTS 5 AND 6, recorded in Plat Book 50, Page 24, Collier County public records, containing 0.25+/- acres; and acceptance of two (2) reciprocal driveway easements, and a temporary construction and right of way easement over a portion of Lot 1, and Tracts B and R, PLAT OF CITY GATE COMMERCE CENTER, PHASE TWO, Plat Book 49, Page 97, Collier County public records, containing 1.38+/- acres.

16. **Resolution No. 2015 - 0303** Authorize a five year agreement with the USDA-Agricultural Research Service for the purpose of developing biological control agents for the invasive weed Melaleuca and other priority invasive plants of Australian origin in an amount not to exceed $750,000, of which $150,000 is budgeted and the remainder is subject to Governing Board approval of the FY16-19 budgets (Contract No. 4600003209) (FOLM, Francois Laroche, ext. 6193)

**Summary**

Biological control is identified as a critical element of the District’s integrated pest management approach to invasive species control. Successful development of three Melaleuca biological control agents has had demonstrated positive impacts on the District’s ability to fulfill its obligation to control this invasive species. Established agents are significantly decreasing the frequency and quantity of herbicide needed to control Melaleuca in many parts of the Everglades ecosystem. However, multiple agents are often necessary to effectively control a single invasive species and several candidate agents still remain to be tested for possible release in Florida. In addition, other highly invasive plant species from Australia and Tropical Asia (Melaleuca’s native range) are now well established in Florida and potentially threaten restoration goals of CERP. These include Earleaf Acacia, Bishopwood, Shoebutton Ardisia, Downy Rosemyrtle, and Australian Pine.
Biological control is a highly specialized field and requires expertise and facilities outside the capacity of District resources. The USDA-ARS has existing staff and a specialized quarantine facility in Davie, Florida to carry out this research. This contract will support investigations into remaining candidate biological control agents of the invasive weed, Melaleuca (Melaleuca Quinquenervia) and other invasive plant species native to the Indo-Australian region. Initial efforts will focus on promising insects recently discovered feeding on Downy Rose Myrtle. Additional work will focus on field collections of potential agents for other priority weeds native to Australia and currently posing a high risk to Everglades restoration goals. The project will also involve monitoring the effects of agents on non-target vegetation. As biocontrol has been identified as a critical element for exotic pest plant control within the District, the District can serve only to support the ongoing work of the USDA. The District intends to enter into a five-year agreement with the USDA Agricultural Research Service in Davie, Florida. This work will ensure that future agents will be available for the CERP Biological Control Implementation Project, which funds the rearing and monitoring of insects within the CERP footprint once they are approved for release in Florida.

Staff Recommendation
Staff recommends approval of the resolution to enter into a 5-year inter-agency agreement in the amount of $750,000, of which, $150,000 is budgeted. The remainder is subject to Governing Board approval of the FY16 through FY19 budgets.

17. Resolution No. 2015-0304 Authorizing entering into Pre-Partnership Credit Agreement No. 2 with the U.S. Department of the Army, at no cost, for the purpose of establishing eligibility to receive future credit for the costs of constructing features of the Picayune Strand Restoration Project, a component of the Comprehensive Everglades Restoration Plan. (Contract number 4600003231) (EPC, Tom Teets, ext. 6993)

Summary
In August 2009, SFWMD and the U.S. Army Corps of Engineers (Corps) entered into a Project Partnership Agreement (PPA) for the Picayune Strand Restoration Project defining the terms, conditions and obligations of each party during implementation of the Project. SFWMD now proposes to undertake construction of certain features as “In-Kind Work”, including construction of the manatee mitigation feature. This will require an amendment to the PPA. However, the PPA cannot be amended until after the Corps’ completion of a Limited Re-evaluation Report and its approval by the Army Corps Chief of Engineers. In order for SFWMD to expedite the construction of the feature in advance of a PPA amendment and still maintain such work’s eligibility for credit toward SFWMD’s 50 percent share of project costs, SFWMD must enter into a Pre-Partnership Credit Agreement No. 2 with the Army Corps of Engineers.

Staff Recommendation
Staff recommends approval of the Pre-Partnership Credit Agreement No. 2 for the Picayune Strand Restoration Project.
18. **Resolution No. 2015 - 0305** Authorize entering into a 901-day contract with the State of Florida, Division of Emergency Management (FDEM) for a Sea Level Rise Impacts Pilot Project in an amount not-to-exceed $400,000, of which FDEM will provide up to $300,000 and the District’s total contribution is $100,000 in ad valorem funds, of which $25,000 in ad valorem funds are budgeted in FY15. (Contract Number 4600003230) (OEC, Jeffrey R. Kivett, P.E., ext. 2680)

**Summary**

This project will fulfill the objectives of the Federal Emergency Management Agency (FEMA) Mitigation Grant “SFWMD Sea Level Rise Impacts Pilot Project”. The objective of the grant is to reduce the potential for loss of life and property by having a FEMA Local Mitigation Strategy in place to identify the hazards and any possible mitigation activities.

To achieve this objective, a set of basin-wide assessments will be conducted. Assessments include a review of the original system design, an assessment of District infrastructure, assessment of current structure operating rules, sea level rise assessments and their impact on structure conveyance, and basin-wide flood protection assessments for current and future conditions. After technical assessments are completed, implications for long-term mitigation plans will be assessed and documentation prepared for an amendment of the Miami-Dade Local Mitigation Strategy.

**Staff Recommendation**

Staff recommends authorizing the approval of Contract Number 4600003230, as this item supports continued assessments of District infrastructure, sea level rise assessments and their impact on structure conveyance, and basin-wide flood protection assessments for current and future conditions.

19. **Authorize publication of Notice of Proposed Rule in the Florida Administrative Register, request review by the Office of Fiscal Accountability and Regulatory Reform, and adopt new Rule 40E-1.800, Florida Administrative Code (provided no changes are made and no request for hearing is timely received), to implement Section 112.3261, F.S., regarding the lobbyist registration process for Water Management Districts, in an effort to provide a uniform system of lobbyist registrations.**

**Summary**

The purpose and effect of the proposed rule will be to establish procedures for registering to lobby the South Florida Water Management District and to adopt two forms for use in registration, changing information, renewing registration, and cancelling registration; along with incorporation of a business classification system for the principals of the registering lobbyists. In February 2015, the District began anew the rulemaking process for Rule 40E-1.800 due to the receipt of comments, from the Joint Administrative Procedures Committee, during the prior effort to adopt Rule 40E-1.800. The current proposed rule contains no substantive changes from the rule previously considered and approved by the Governing Board.

**Staff Recommendation**

Staff is recommending the following actions by the Governing Board: Authorize publication of Notice of Proposed Rule in the Florida Administrative Register, request review by the Office of Fiscal Accountability and Regulatory
Reform, and adopt new Rule 40E-1.800, Florida Administrative Code (provided no changes are made and no request for hearing is timely received), to implement Section 112.3261, F.S., regarding the lobbyist registration process for Water Management Districts, in an effort to provide a uniform system of lobbyist registrations.

20. Board Vote on Consent Agenda

21. Board Comment

22. General Public Comment
Discussion Agenda

23. Technical Reports
   A) Water Conditions Report - Jeff Kivett, Division Director, Operations, Engineering and Construction Division (ext. 2680)
   B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources Division (ext. 6952)

24. Operations, Maintenance and Construction Update (part 5) - Karen Estock, Division Director, Field Operations & Land Management (ext. 6282)

   Summary
   The fifth in the series of presentations will focus on putting business intelligence to work including better utilizing District fleet and staff by way of a mobile work order platform and vehicle tracking.

   Staff Recommendation
   This item is for information only; no action is required.

25. Integrated Delivery Schedule Update - Tom Teets, Division Director, Everglades Policy and Coordination (ext. 6993)

   Summary
   The Integrated Delivery Schedule (IDS) is the basis for agency guidance to decision-makers for scheduling and budgeting South Florida Ecosystem Restoration (SFER) Program projects. The 2015 revision to the IDS is a public process and will focus on developing a realistic schedule and sequencing plan for achieving restoration benefits as soon as possible consistent with state and federal authorizations and funding. This presentation will provide an update on the current IDS process.

   Staff Recommendation
   This item is for information only; no action is required.

26. Types of Constraints Present in the Existing System, including those that may affect operations of the Central and Southern Flood Control Project - Jeff Kivett, Division Director, Operations, Engineering & Construction Division (ext. 2680)

   Summary
   This presentation will identify the types of constraints present in the existing system, including those that may affect operations of the Central and Southern Flood Control Project.

   Staff Recommendation
   This item is for information only; no action is required.

27. Phosphorus Trends in the Everglades - Tom Teets, Director, Everglades Policy and Coordination (ext. 6993)

   Summary
   This presentation will provide an overview of the phosphorus requirements and phosphorus trends of inflows and marsh areas of the Everglades Protection Area.
The final part of the presentation will show changing conditions associated with the flow of water from Water Conservation Areas into Everglades National Park from the current condition through the implementation of the Central Everglades Planning Project.

**Staff Recommendation**
This item is for information only; no action is required.

28. Overview of Science and Monitoring Programs - Terrie Bates, Division Director, Water Resources Division (ext 6952)

**Summary**
Staff will provide an overview of the District-wide hydrologic, water quality and environmental monitoring and science programs. Future items will provide more in-depth presentations by geographic area.

**Staff Recommendation**
This item for information only; no action is required.

29. SCADA Software Replacement Project Status Update - Gregory Cantelo, Bureau Chief, Infrastructure Management Bureau (ext. 2620)

**Summary**
This presentation will provide a status of the SCADA Software Replacement Project. The project replaces the current end of life software application used by staff to remotely monitor and/or control the District’s 16 county wide Water Management System.

**Staff Recommendation**
This item is for information only; no action is required.

30. **Resolution No. 2015 - 0306** Approve an agreement with the United States Department of the Interior, U.S. Fish and Wildlife Service (DOI) for the acquisition of land interests containing 1,327.47 acres, more or less, in Palm Beach County for the STA-1W Expansion Project, in exchange for the conveyance to DOI of land interests containing 2,586 acres, more or less, in Palm Beach County; approve associated costs for which ad valorem funds are budgeted; approve declaring surplus for exchange and conveyance land interests containing a total of 2,586 acres, more or less, in Palm Beach County, without reservation of interests under Section 270.11, Florida Statutes. (RE, Ray Palmer, ext. 2246)

**Summary**
For the purpose of providing the District with lands necessary for the STA-1W Expansion Project, the District will enter into an Agreement for the Exchange of Lands (“Agreement”) with the DOI whereby the District will acquire fee title to a total of 1,327.47 acres, more or less, as shown on the attached Exhibit “A” and identified as Tract D7100-157, in exchange for the District conveying to DOI fee title to 2,586 acres, more or less. As shown on attached Exhibit “B” and identified as Tract 50100-010. Tract D7100-157 will be combined with the adjacent approximately 800 acres Tract D7100-030 already owned by the District. That combined approximately 2,127 acres is part of the total approximately 6,700 acres expansion of the STA-1W facility (See attached Exhibit “C”) required to meet the Water Quality Based Effluent Limit as outlined in the Florida Department of Environmental Protection Everglades Forever Act.
Consent Order 12-1149 to meet State water quality standards in the Everglades Protection Area.

The appraisals that were conducted provided appraised values of $1,350,000 for Tract D7100-157 and $2,620,000 for Tract 50100-010. To equalize the values exchanged, the Agreement provides that the District shall be credited with an extra $1,270,000 of value to be available to release DOI restrictions on other District owned lands that were acquired with certain DOI grant funding to be determined at a future date at the District’s option. Also, upon the Governing Board’s approval of the Agreement, the DOI will have six (6) months within which to accept and enter into the Agreement

Staff Recommendation
Staff recommends approval of the exchange as detailed herein.

31. Resolution No. 2015 - 0307 Approve declaring surplus land interests containing 102.54 acres, more or less, and containing 23.74 acres, more or less, in St. Lucie County, without reservation of interests under Section 270.11, Florida Statutes, together with any structures and improvements and personal property appurtenant thereto and approve offering said property to the public for bid to be sold for the highest price obtainable but not less than the appraised value. (RE, Ray Palmer, ext. 2246)

Summary
Pursuant to Resolution 2013-710, the Governing Board directed staff to further analyze the options for disposal of certain lands and to thereafter propose recommendations to the Governing Board for further approval. Two (2) separate parcels of land respectively containing 102.54 acres, more or less, and 23.74 acres, more or less, all located in St. Lucie County identified, respectively, as Tract KE100-238 and Tract KE100-236, (the “Tracts”), as shown on the attached Exhibit “A”, were included in the Resolution. Staff further analyzed the options for disposal of each of the Tracts, obtained an ecological assessment of the Tracts, and recommends to the Governing Board that both of the Tracts be declared surplus and be offered for bid. Staff also conducted a public meeting on February 26, 2015 regarding the surplus and sale of the Tracts.

As the use of the Tracts involved citrus farming both prior to and subsequent to the December 9, 2004 acquisition of the Tracts, the analysis included examination of the environmental conditions of the Tracts. That examination revealed numerous adverse environmental conditions almost exclusively associated with Tract KE100-238. As a result of the adverse environmental conditions, staff recommends that in connection with any surplus of the Tracts, the conveyance of title be conditioned upon the buyer taking subject thereto, assuming all liability and responsibility therefore, and holding the District harmless from liability with respect to environmental conditions. Additionally, when the District acquired the Tracts, the original seller reserved a right of first refusal in connection with any sale or conveyance of the Tracts. Therefore, any proposed sale of the Tracts based on an offer for bid, will be subject to the original seller’s exercise of its right of first refusal which will allow the original seller to purchase the Tracts at the same price as the winning bid.

An appraisal establishing an appraised value of $571,000 for Tract KE100-238 and $107,000 for Tract KE100-236 was also obtained. Prior to offering the Tract for bid, an update of the appraisal will be completed. The appraisal assumed that there were no adverse environmental conditions and the update of the appraisal will also make the same assumption. In the event the updated appraisal reduces the appraised value for any of the Tracts below the specific aforementioned appraised value, then that Tract
will not be offered for bid and will be brought back to the Governing Board for further direction. Staff recommends to the Governing Board that the Tracts be declared surplus and be offered to the public for bid to be sold for the highest price obtainable, but in no event less than appraised values as updated.

Staff Recommendation
Staff recommends approval of the surplus and public bid for sale of the Tracts.

32. **Resolution No. 2015 - 0308** Approve declaring surplus land interests containing 14.76 acres, more or less, containing 5.40 acres, more or less, and containing 11.55 acres, more or less, in Polk County, all subject to a reserved perpetual flowage and inundation easement, without reservation of interests under Section 270.11, Florida Statutes, together with any structures and improvements and personal property appurtenant thereto and approve offering said property to the public for bid to be sold for the highest price obtainable but not less than the appraised value. (RE, Ray Palmer, ext. 2246)

Summary
Pursuant to Resolution 2013-612, the Governing Board directed staff to further analyze the options for disposal of certain lands and to thereafter propose recommendations to the Governing Board for further approval. Three (3) separate parcels of land respectively containing 14.76 acres, more or less, 5.40 acres, more or less, and 11.55 acres, more or less, all located in Polk County identified, respectively, as Tract 18403-033, Tract 18403-008 and Tract 18403-045, (the “Tracts”), as shown on the attached Exhibit “A”, were included in the Resolution. Staff further analyzed the options for disposal of the Tracts, obtained an ecological assessment, and conducted a public meeting on February 26, 2015 regarding the surplus and sale of the Tracts. The ecological assessment did not identify any matters of concern. The staff’s analysis included the fact that the Tracts all border on Tiger Lake and were all originally acquired in connection with the Kissimmee River Project (the “Project”). With respect to each of the Tracts, and as further depicted on the attached Exhibit “A”, there are areas located above the 100-year flood line and therefore not required for the Project and areas below 100-year flood line that are required for the Project. Therefore, the surplus of each of the Tracts must be subject to a reserved flowage and inundation easement encumbering the respective portions of each of the Tracts that are located below the 100-year flood line. An appraisal establishing an appraised value of $133,000 for Tract 18403-033, $55,000 for Tract 18403-008 and $85,000 for Tract 18403-045 was also obtained. The appraisal and the appraised values reflected the appropriate reserved flowage and inundation easements. Prior to offering the Tract for bid, an update of the appraisal will be completed. In the event the updated appraisal reduces the appraised value for any of the Tracts below the specific aforementioned appraised value, then that Tract will not be offered for bid and will be brought back to the Governing Board for further direction. Staff recommends to the Governing Board that the Tracts be declared surplus and be offered to the public for bid to be sold for the highest price obtainable, but in no event less than appraised values as updated.

Staff Recommendation
Staff recommends approval of the surplus and public bid for sale of the Tracts.
33. **Resolution No. 2015 - 0309** Approve declaring surplus land interests containing 23.41 acres, more or less, and containing 9.24 acres, more or less, in Broward County, without reservation of interests under Section 270.11, Florida Statutes, together with any structures and improvements and personal property appurtenant thereto and approve offering said property to the public for bid to be sold for the highest price obtainable but not less than the appraised value. (RE, Ray Palmer, ext. 2246)

**Summary**

Pursuant to Resolution 2013-922, the Governing Board directed staff to further analyze the options for disposal of certain lands and to thereafter propose recommendations to the Governing Board for further approval. Two (2) separate parcels of land respectively containing 23.41 acres, more or less, and 9.24 acres, more or less, all located in Broward County identified, respectively, as Tract W9201-278 and W9201-279, (the “Tracts”), as shown on the attached Exhibit “A”, were included in the Resolution. Staff further analyzed the options for disposal of the Tracts, obtained an ecological assessment, and conducted a public meeting on February 26, 2015 regarding the surplus and sale of the Tracts. The ecological assessment did not identify any matters of concern. The staff’s analysis included the fact that the Tracts were all originally acquired in connection with the Broward County Water Preserve Area Project (the “Project”). These Tracts lie outside the approved project boundary and therefore are not required for project purposes. The size and location of the Tracts are not adequate to support other District initiatives. An appraisal establishing an appraised value of $1,400,000 for Tract W9201-278 and $600,000 for Tract W9201-279 was also obtained. Prior to offering the Tract for bid, an update of the appraisal will be completed. In the event the updated appraisal reduces the appraised value for any of the Tracts below the specific aforementioned appraised value, then that Tract will not be offered for bid and will be brought back to the Governing Board for further direction. Staff recommends to the Governing Board that the Tracts be declared surplus and be offered to the public for bid to be sold for the highest price obtainable, but in no event less than appraised values as updated.

**Staff Recommendation**

Staff recommends approval of the surplus and public bid for sale of the Tracts.

34. **Resolution No. 2015 - 0310** Authorize entering into a 1,278 day contract with Harry Pepper & Associates, Inc., the lowest responsive and responsible bidder, for the C-44 S-401 Pump Station, in the amount of $40,289,146, for which a total of $8,000,000 in dedicated funds (Save Our Everglades Trust Fund) and ad valorem funds are budgeted in FY15, and the remainder is subject to Governing Board approval of future years’ budgets. (Contract No. 4600003232) (OEC, John P. Mitnik, P.E., ext. 2679)

**Summary**

The C-44 Reservoir/Stormwater Treatment Area Project (C-44 Project) is intended to be constructed by the U.S. Army Corps of Engineers (USACE) and the District over the next five (5) years. In December 2013, the District completed construction of the C-44 Communication Tower and in July 2014 the USACE completed construction of Contract 1 (C-400 Intake Canal and Access Road, C-133A Canal, C-133 Canal, S-418 Spillway, and Citrus Boulevard improvements). As stated in the Project Partnership Agreement (PPA) Amendment executed in August 2014, the District is constructing the System Discharge (approved by the Governing Board in August 2014 with a construction start in September 2014), the Stormwater Treatment Areas
(approved by the Governing Board in October 2014 with a construction start in October 2014), and the S-401 Pump Station (construction start in April 2015). The District completed construction in October 2014 on the System Discharge Interim Spillway. That contract will achieve early benefits of retaining additional water within the C-44 Project site. That contract is not cost shareable since it was executed prior to the USACE executing the PPA Amendment. The District is also performing efforts related to the Reservoir Impacted Soils (approved by the Governing Board in December 2014 with a construction start in December 2014). That contract is not cost shareable and must be completed prior to USACE award of the C-44 Reservoir (Contract 2) construction contract in July 2015. The USACE intends to start construction of the C-44 Reservoir in July 2015.

This C-44 S-401 Pump Station construction contract is to construct a 21,000 square foot, concrete, three-story, fully functional pump station with four (4) three-phase, medium voltage electric, high-head lift, 275 cubic feet per second (cfs) pumping systems for a total capacity of 1,100 cfs and the last 600 feet of the C-400 Intake Canal.

Staff Recommendation
Staff recommends approval to enter into a 1,278 day contract in the amount of $40,289,146.00 with Harry Pepper $ Associates, Inc., the lowest responsive and responsible bidder, for the construction of the C-44 S-401 Pump Station.

35. Resolution No. 2015 - 0311 Authorize an amendment to the design build contract with DeAngelis Diamond Construction, LLC for the construction of the Big Cypress Basin Field Station for 377 days in an amount not-to-exceed $6,730,359 of which $6,050,000 ad valorem funds are budgeted in FY15 and the remainder is subject to Governing Board approval of FY16 budget. (Contract No. 4600002947-A05) (John P. Mitnik, P.E., ext. 2679) - ITEM REVISED

Summary
This project is for the relocation of the Big Cypress Basin Field Station. The design/build contract specifically provides for Phase II of the project to perform construction upon completion of the design and development of the stipulated price.

Staff Recommendation
Staff recommends approval of this project. The present Field Station is antiquated and is subject to frequent flooding. Delay of this project could impact the District’s ability to provide Emergency Response.

36. Resolution No. 2015 - 0312 Authorize entering into a 425 day contract with Douglas N. Higgins, Inc., the lowest responsive and responsible bidder, for the S46 Tailwater Weir and Gate Replacement Project, in the amount of $4,778,000 of which ad valorem funds in the amount of $2,000,000 are budgeted; and the remainder is subject to Governing Board approval of the FY16 budget; providing an effective date. (Contract No. 4600003233)(OEC, John P. Mitnik, P.E., ext. 2679) - ITEM DELETED

Summary
Structure S46 is a reinforced concrete gated spillway located on the C-18 canal in eastern Palm Beach County. S46 serves to maintain optimum upstream water stages in the C-18 Canal, while restricting downstream flood stages and channel
velocities to non-damaging levels. A coastal structure, S46 also serves the purpose of preventing saltwater intrusion. SFWMD has observed seepage ‘upwelling’ downstream of the S46 Structure, and has investigated and attempted to remediate the problems over the years. Various studies and continued inspections to monitor S46 and the surrounding C-18 area have identified additional scour holes. A significant scour hole was identified in the C-18 Canal immediately downstream of the S46, near the Island Way Bridge. The SFWMD Feasibility Study of possible alternatives and the resulting recommendation was riprap rehabilitation of canal channel and to construct a new sheet-pile weir downstream of the S46 Structure. This feature would create a lower hydraulic gradient across S46, decrease the potential for seepage below and around the structure and restore the stability of the structure. The project will be constructed in accordance with the latest engineering and construction technologies.

**Staff Recommendation**
Governing Board approval to construct the S46 Tailwater Weir and Gate Replacement Project is requested at the March 2015 Governing Board meeting. Not implementing the S46 Tailwater Weir and Gate Replacement Project would result in significant impacts to the continued operation of District flood control facilities for the area and continued damage to the C-18 canal.

37. **Health Insurance Update - Doug Bergstrom, Division Director, Administrative Services Division (ext. 6214)**

**Summary**
Cam Potter of AON Hewitt Benefits Consulting will be on-hand to present Aon’s Health Plan Analysis and key findings/recommendations for the District’s insurance benefits program.

**Staff Recommendation**
This item is for information only; no action is required.

38. **General Public Comment**
Staff Reports

39. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services Division

40. General Counsel's Report - Kirk Burns

41. Executive Director's Report - Blake Guillory
   • Report on permits issued by authority delegated to the Executive Director from February 1-28, 2015.

42. Board Comment
Attorney Client Sessions

43. Attorney Client Session - USA - **ITEM DELETED**

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2014), 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, M. Peterson, J. Moran, D. O'Keefe, J. Portuondo, K. Powers; Executive Director B. Guillory; District attorneys K. Burns, J. Collier, C. Kowalsky. (Kirk L. Burns, ext. 6546)

Action Items, (if any), Stemming from Attorney/Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2014), 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. (Kirk L. Burns, ext. 6546)

44. Adjourn