



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

April 10, 2008

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

Members Present:

Eric Buermann, Chair

Michael Collins

Charles Dauray

Shannon Estenoz

Paul C. Huck Jr.

Melissa Meeker

Jerry Montgomery

Patrick Rooney

Malcolm Wade

1. **Call to Order** - Eric Buermann, Chairman, Governing Board

Chair Buermann called the meeting to order at 9:10 am.

2. **Pledge of Allegiance** - Eric Buermann, Chairman, Governing Board

Ms. Meeker lead the group in the Pledge of Allegiance.

3. **Agenda Addendum** - Annette Carter, Director, Office of Governing Board and Executive Services

Annette Carter, Director, Office of Governing Board and Executive Services, read into the record the agenda addendum. Copies were made available to the public.

4. **Employee Recognition** - Presented by Carol Wehle, Executive Director

Carol Wehle, Executive Director, reported on the passing of Tim Owens, a 35-year employee.

Ms. Wehle recognized the April Employee of the Month, Team of the Month, and Leadership Award. Ms. Wehle also recognized the March Employee of the Month and one 35-year Award.

Ms. Wehle also announced April is Water Conservation Month.

5. **Abstentions by Board Members from items on the Agenda**

There were no abstentions by Board Members.

6. Audit and Finance Committee Report - Charles Dauray, Chair

Mr. Dauray reported on the Audit and Finance Committee held on April 9, 2008. Mr. Dauray reported on the 2007 Financial audit results, an update on the Small Business Enterprise Program (SBE), the proposed changes to the FY2008 Audit Plan and the modification to the Inspector General's Annual Audit Work Plan.

Mr. Dauray requested the Board formally accept the Audit and Finance Committee Report.

Motion made by Michael Collins, seconded by Patrick Rooney to Approve the following item(s): 6

Vote called. Voting yes: Michael Collins, Patrick Rooney, Eric Buermann, Charles Dauray, Shannon Estenoz, Paul C. Huck Jr., Melissa Meeker, Jerry Montgomery, Malcolm Wade. Motion passed.

71.

Award presentation from the Peggy Adams Animal Rescue League for the SFWMD H2O K-9s Team - Joan Carlson Radabaugh, Executive Director & Su Jackson Ross, Special Events Coordinator

Joan Carlson Radabaugh presented an award to the District for participating in the Walk for the Animals held on March 29, 2008. Mr. Rooney accepted the award.

Consent Agenda

7. Public Comment on Consent Agenda

Public Comment: Rosa Durando, Audubon Society, commented on the staff report for the Cypress Creek Restoration Project (Item 10, page 11, #2).

Public Comment: Mark Perry, Florida Oceanographic, commented on the Florida Conservation program and utility companies' surcharge rates.

Public Comment: Cynthia Plockelman commented on the Cypress Creek Restoration Project.

Public Comment: Patrick Hayes, Martin County Soil and Water Conservation District, commented on Class 3 water discharges into Cypress Creek.

8. Pull Items from Consent for Discussion on Governing Board Meeting Agenda

There were no items pulled from the Consent Agenda to the Discussion Agenda.

9. Board Comment on Consent Agenda

There was no Board comment on the Consent Agenda.

Water Resources

10. Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Lake Okeechobee SWIM Works of the District Permit Applications

Denials

Environmental Resource Permit Extensions

Consent Agreements

Conservation Easements

Enforcement Actions

Page 1 No 1 Deseret Naples Farm 2 (ERP): **Postponed** to July Board

Page 1 No 3 The Club Pelican Bay (WU): **Postponed** to May Board

Page 3 No 2 Highlands Sunshine Ranches (ERP): **Postponed** to May Board

Page 5 No 7 Six Mile Cypress Pkwy Widening (North of Daniel Pkwy) (ERP): **Removed** from agenda

Page 12 No 6 Indian Trail Improvement District M1 Basin (SWM): **Postponed** to May Board

Page 13 No 1 Tesoro (WU): **Postponed**

Page 14 No 2 Hess Number 9455 (WU Denial): **Removed** from agenda

Page 15 No 5 U-Pick Farms (WU Denial): **Removed** from agenda

11. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

12. Enter Final Orders Denying Applications for Variances from Water Shortage Restrictions Imposed within the Boundaries of the South Florida Water Management District (Dean Powell, ext. 6787)

13. **2008-400** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 6-month cooperative agreement with Aquent, Inc. under GSA Contract #GS-23F0102M for two on-site technical editors for the 2009 South Florida Environmental Report Project, in the not-to-exceed amount of \$190,080, for which ad valorem funds in the amount of \$80,640 are budgeted; and the remainder is subject to Governing Board approval of the FY09 budget; providing an effective date. (Contract Number 4600001342) (Stacey Ollis, ext. 2039)
14. Authorize publication of a notice of rule development in the Florida Administrative Weekly to adopt a new rule chapter, 40E-10, F.A.C., regarding Reservations and Allocations of Water for the Natural System, and to amend Chapters 40E-2, 40E-20, 40E-21, and 40E-22, F.A.C., to protect water identified for the natural system in the Indian River Lagoon South Project Implementation Report dated March 2004. (Chip Merriam, ext. 6597)
15. **2008-401** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement 4600000752 with Glades County for Lake Okeechobee Low Lake Restoration Projects, to extend the term by three months from June 30, 2008 to September 30, 2008, in an amount not to exceed \$717,000, for which funds (Water Management Lands Trust Funds) are budgeted; providing an effective date. (Contract Number 46000000752-A02) (Lisa Kreiger, ext. 3026)
16. **2008-402** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 4 month cost share agreement with the Lake Worth Drainage District for C-51 Pump Installations in the total amount of \$602,470, of which the District's total contribution of \$300,000 in ad valorem funds are budgeted; providing an effective date. (Contract Number 4600001352) (Ashie Akpoji, ext. 2571)
17. **2008-403** A Resolution of the Governing Board of the South Florida Water Management District to authorize and amendment to Cooperative Agreement 4600000451 with the Town of Fort Myers Beach for the North Estero Blvd Water Quality Improvements Project to increase the amount of funding by \$150,000, for which dedicated funds (\$150,000 State Appropriations) are budgeted; providing an effective date. (CONTRACT 4600000451-A01) (Damon Meiers, ext 6876)
18. **2008-404** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a Memorandum of Understanding (MOU) for a 50/50 cost share agreement with Lee County to fund a study to update the Halfway Creek Region (I-75 Culverts) of the South Lee County Watershed Plan, subject to approval of a future budget amendment; providing an effective date. (Contract Number 4600001359) (Damon Meiers, ext.6876)
46. Enter Final Orders Concurring with the Granting of Temporary Variances from Water Shortage Restrictions Imposed within the Boundaries of the South Florida Water Management District (Dean Powell, ext. 6787)

This item was moved to the Consent Agenda.

Everglades Restoration Resources

- 19. 2008-405** A Resolution of the Governing Board of the South Florida Water Management District approving Staff recommendations for releases of District canal, mineral and road reservations, releases of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.) canal reservations, and Issuance of non-use commitments; providing an effective date. (Vinola Rada, ext. 6836)

- 20. 2008-406** A Resolution of the Governing Board of the South Florida Water Management District to approve the Shingle Creek Regional Park Management Plan, dated August 30, 2007; providing an effective date. (Steve Coughlin, ext. 2603)

- 21. 2008-407** A Resolution of the Governing Board of the South Florida Water Management District approving the release of an access easement (Tract No. 30-001-009) containing 0.6778 acres, more or less, to the underlying fee owner in exchange for a new access easement lying within a portion of the northerly right of way of the North New River Canal in Section 2, Township 50 South, Range 40 East, Broward County, Florida; subject to satisfaction of certain requirements; providing an effective date. (Linda Schindeler, ext. 6838)

- 22. 2008-408** A Resolution of the Governing Board of the South Florida Water Management District approving the release of a portion of a permanent access and maintenance easement (Tract No. 32100-002) containing 0.11 acres, more or less, to the underlying fee owner in exchange for a new access easement lying within a portion of the C-7 (Little River) Canal in Section 12, Township 53 South, Range 41 East, Miami-Dade County, Florida; subject to satisfaction of certain requirements; providing an effective date. (Tom Hanaway, ext. 6668)

- 23. 2008-409** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 10.0 acres, more or less, in Miami-Dade County, Pennsuco Project, in the amount of \$85,000 and associated costs for which dedicated funds (Lake Belt Mitigation Funds) are available subject to approval of a 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. (Barbara Katz, ext. 6837)

- 24. 2008-410** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Florida Fish and Wildlife Conservation Commission (FWC) to establish Stormwater Treatment Areas 1W (STA-1W) and 5 (STA-5) as Alligator Management Units and allow FWC to manage future alligator harvests at STA-1W and STA-5 during the annual alligator harvest seasons, subject to certain terms and conditions; providing an effective date. (Steve Coughlin, ext. 2603)

25. **2008-411** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 36.35 acres, more or less, for the Biscayne Bay Coastal Wetlands Project, in Miami-Dade County, in the amount of \$332,000, 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 and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Barbara Katz, ext. 6837)

26. **2008-412** A Resolution of the Governing Board of the South Florida Water Management District requesting release of funds from the Save Our Everglades Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 36.35 acres, more or less, in Miami-Dade County, Florida, for the Biscayne Bay Coastal Wetlands Project, in the amount of up to \$332,000, and associated costs; providing an effective date. (Barbara Katz, ext. 6837)

27. **2008-413** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three-year Memorandum of Agreement with 2 one-year renewal options with the U.S. Army Corps of Engineers Institute for Water Resources Hydrologic Engineering Center to execute individual Support Agreements (SAs) for specific modeling goods and services in the total combined not-to-exceed amount of \$225,000 and up to \$75,000 per fiscal year for all SAs, for which ad valorem funds (District's General Fund) are budgeted in FY08 and the remainder is subject to Governing Board approval of the FY09-FY11 budgets; providing an effective date. (Contract Number 4600001334) (Suelynn Dignard, ext. 6589)

28. **2008-414** 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 five-year contract with BCI Engineers & Scientists, Inc., subject to successful negotiations, for Submerged Aquatic Vegetation Monitoring in the San Carlos Bay and Caloosahatchee River and Estuary in an amount not to exceed \$325,000, of which dedicated funds (Comprehensive Everglades Restoration Plan Fund) in the amount of \$50,000 are budgeted and the remainder is subject to Governing Board approval of the FY09-FY12 budgets; providing that, if negotiations are unsuccessful with BCI Engineers & Scientists, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001349) (Patty Goodman, ext. 3716)

Executive Office

29. **2008-415** A Resolution of the Governing Board of the South Florida Water Management District authorizing the filing of suit, including the filing of Cross Claims, as may be necessary to effectively defend the District from allegations involving a defective portion of a conservation easement which appears to be subject to a pre-existing access easement, in a multi-count quiet title action entitled Imperial Golf Estates Homeowners Association, Inc. and Marsilea Villas, LLC vs. South Florida Water Management District, Pulte Home Corporation, Milano Recreation Association, Inc., Delasol Homeowners Association, Inc., Racebrook, Inc. and Centex Homes, filed in the 20th Circuit Court for Collier County, Florida, Case No. 07-3906-CA; providing an effective date. (Ed Artau, Ext. 6431)

30. **2008-416** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against K and M Nursery, Inc., West Boynton Farms, LLC, and any other appropriate or necessary parties, in Palm Beach County Circuit Court or other appropriate forum, regarding the property located in Section 14, Township 45, Range 41, Palm Beach County, providing an effective date. (Christopher Pettit, Ext. 6423)
31. **2008-417** A Resolution of the Governing Board of the South Florida Water Management District to authorize entry into a Stipulated Final Judgment/Settlement Agreement for \$203,200.00 for land, attorneys fees not to exceed the amount of \$100,000.00, and expert witness fees and other costs not to exceed the amount of \$16,000.00 for an eminent domain action involving approximately 1.43 acres, more or less, perpetual conservation and flowage/inundation easement (Tract No. 18-002-016, James A. Nicks and Barbara A. Nicks, et al) within the designated boundaries of the Kissimmee River and Headwater Revitalization Project styled South Florida Water Management District v. James A. Nicks and Barbara A. Nicks, et al, for Polk County, Florida, filed in the 10th Circuit Court in and for Polk County, Florida, Case No.: 2008-CA-000190, for which dedicated funds (Florida Forever Trust Fund) and ad valorem funds (Okeechobee Capital) are budgeted, providing an effective date. (Keith Williams, x2791)
32. **2008-418** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Florida Forever Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 1.43 acres for the Kissimmee Chain of Lakes Project in Polk County, in the amount of \$203,200.00; providing an effective date. (Keith Williams, x2791)
33. **2008-419** A Resolution of the Governing Board of the South Florida Water Management District for approval of a Settlement Agreement for dismissal with prejudice of plaintiff Marie Pietruchas lawsuit/claims/any appeals rights and payment by Marie Pietrucha to the District towards the Districts attorneys fees and costs in the amount of \$10,000.00 in the case styled Marie Pietrucha v. South Florida Water Management District; Case No. 50 2005 CA 006879 XXXX MB AA; providing an effective date. (Robert Panse, Ext. 6279)
34. **2008-420** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Palm Creek Developers, LLC, and any other appropriate or necessary parties, in Palm Beach County Circuit Court or other appropriate forum, regarding the property located in Section 27, Township 37 South, Range 35 East, Okeechobee County, Florida, providing an effective date. (Keith W. Rizzardi, Ext. 6274)

Government and Public Affairs

- 35. **2008-421** A Resolution of the Governing Board of the South Florida Water Management District in support of Lake Worth Lagoon Initiative; providing an effective date. (Fred Rapach, ext. 2283)
- 36. **2008-422** A Resolution of the Governing Board of the South Florida Water Management District designating April as Water Conservation Month; providing an effective date. (Deena Reppen, ext. 6232)
- 37. **2008-423** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with Collier County for the Collier County Topographic Survey LiDAR Mapping Project, in the amount of \$1,052,259, of which the District's total contribution will be the sum of \$496,405.50 in dedicated funds (Big Cypress Basin) included in the District's FY08 budget. Collier County will contribute the sum of \$555,853.50; providing an effective date. (Contract Number 4600001351) (Tim Howard, extension 7610)

Corporate Resources

- 38. **2008-424** A Resolution of the Governing Board of the South Florida Water Management District amending the Fiscal Year 2007 2008 budget; providing an effective date. (Doug Bergstrom, ext 6412)
- 39. **2008-425** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District FY2007 FY2008 budget as shown on the attachment hereto; providing an effective date (Doug Bergstrom, ext 6412)
- 40. **2008-426** A Resolution of the Governing Board of the South Florida Water Management District authorizing an amendment to contract OT050568 / 3600000868 with Copyco Inc., dba Toshiba Business Solutions and authorize a waiver of competition as an exception to the general standards of competition, for digital copier services, to extend the term by one year, from June 1, 2008 to May 31, 2009, in an amount not to exceed \$363,000 for which \$121,000 ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY09 budget; providing an effective date. (Purchase Requisition Number 10047703) (Dante Marzetti, Ext. 2787)

Operations and Maintenance

- 41. **2008-427** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 4600001264 with Miami-Dade County for the Coral Gables Waterway Loop Bank Stabilization Project for which \$750,000 in dedicated funds (External Grant Fund - U.S. Department of Agriculture) is unbudgeted and subject to Governing Board approval of the April 2008 Budget Amendment to utilize funding from a previously approved amendment to a revenue agreement with NRCS (4600000371-A07); providing an effective date (Contract Number 4600001264-A01)(Evan Skornick, ext. 7290)

42. Board Vote on Consent Agenda

Motion made by Michael Collins, seconded by Patrick Rooney to Approve the following item(s): 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 46

Vote called. Voting yes: Michael Collins, Patrick Rooney, Eric Buermann, Charles Dauray, Shannon Estenoz, Paul C. Huck Jr., Melissa Meeker, Jerry Montgomery, Malcolm Wade. Motion passed.

Discussion Agenda

Water Resources

43. Water Conditions Report (Susan Sylvester, ext. 6152)

Susan Sylvester, Director, Operations Control Department, presented information on April's monthly rainfall. Ms. Sylvester reported on the historical dry season rainfall, Florida's drought monitor and seasonal precipitation outlook.

Public Comment: Fred Scholz, citizen, commented on water levels of Lake Okeechobee and the annual rainfall for Palm Beach County. He provided information pertaining to data inconsistencies of rainfall from the District and the National Weather Service.

44. Ecological Conditions Report (Susan Gray, ext. 6919)

Susan Gray, Deputy Department Director, Watershed Management, presented an update on the current ecological conditions of the Kissimmee Chain of Lakes and Kissimmee River, Lake Okeechobee, the St. Lucie and Caloosahatchee Estuaries, the Stormwater Treatment Areas (STAs) and the Water Conservation Areas (WCAs).

45. Water Shortage Emergency Update & Action Items including, but not limited to, modifying restrictions in areas presently under water shortage restrictions, if necessary, additional water shortage declarations, contracts and / or any other necessary actions (Chip Merriam, ext. 6597)

Chip Merriam, Deputy Executive Director, Water Resources, presented an update on the Water Shortage Emergency.

Mr. Dauray commented on the economic impacts pertaining to Phase 3 water restrictions.

Public Comment: Joe Connolly, South Martin Regional Utility (SMRU), provided comment on the rainfall in Martin County and stated SMRU supports the modification to the water restrictions.

Public Comment: Paul Mattausch, Collier County, commented on basin-by-basin water restriction assessments and the alternative water supply program.

Public Comment: Alex Larsen, citizen, commented on consistency for water restrictions.

Public Comment: Cynthia Plockelman, citizen, commented on consistency for water restrictions.

Public Comment: Fred Scholz, citizen, commented on rainfall into Lake Okeechobee and the repairs of the Herbert Hoover Dike.

Public Comment: Jacquie Weisblum, Audubon of Florida, commented on xeriscaping, water conservation and economical impacts from the drought.

Public Comment: Eduardo Balbis, City of West Palm Beach, commented on the water catchment area and supports Phase 2 water restrictions.

45 (A) Enter an Order 1) Rescinding Modified Phase III Extreme Water Shortage Restrictions within Specified Areas of the District, and 2) Imposing Modified Phase II Restrictions within those Specified Areas of the District.

Motion made by Michael Collins, seconded by Melissa Meeker to approve Agenda Item 45 (A). Vote called. Voting yes: Eric Buermann, Charles Dauray, Melissa Meeker, Shannon Estenoz, Patrick Rooney, Michael Collins, Jerry Montgomery, Paul Huck, Malcolm Wade. Motion passed.

Ms. Meeker commented on discharges to tide and water storage in the EAA or Lake Okeechobee Service Area (LOSA).

Mr. Merriam said he would bring it back to the Board as an Executive Order or variance. Mr. Merriam reported staff will be working with the City of West Palm Beach.

45 (B) Enter an Order 1) Rescinding Modified Phase III Extreme Water Shortage Restrictions for Diversion and Impoundment Permittees within the Lower East Coast Region, and 2) Imposing Modified Phase III Restrictions on City of West Palm Beachs and Seminole Improvement Districts Withdrawals from the M-Canal.

Motion made by Michael Collins, seconded by Shannon Estenoz to approve Agenda Item 45 (B). Vote called. Voting yes: Eric Buermann, Charles Dauray, Melissa Meeker, Shannon Estenoz, Patrick Rooney, Michael Collins, Jerry Montgomery, Paul Huck, Malcolm Wade. Motion passed.

- 48.** Approve Water Use Permit Modification and Renewal Application 070518-17 for the City of Hollywood for public water supply for the projected water use demands with a 20-year permit duration (Broward County) (Marjorie Craig, ext 2987)

Marjorie Craig, Director, Water Supply Department, presented information on this agenda item. Ms. Craig provided background information on consumptive use permits.

Public Comment; Steve Joseph, City of Hollywood, thanked the Board for their approval of this permit.

Motion made by Shannon Estenoz, seconded by Melissa Meeker to Approve the following item(s): 48

Vote called. Voting yes: Shannon Estenoz, Melissa Meeker, Eric Buermann, Charles Dauray, Paul C. Huck Jr., Jerry Montgomery, Patrick Rooney, Malcolm Wade. Not present: Michael Collins. Motion passed.

- 49.** Approve Water Use Permit Modification and Renewal Application 061212-28 for Broward County District 1 public water supply for the projected water use demands with a 20-year permit duration (Broward County) (Marjorie Craig, ext 2987)

Ms. Craig presented information on this agenda item.

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

Vote called. Voting yes: Shannon Estenoz, Michael Collins, Eric Buermann, Charles Dauray, Paul C. Huck Jr., Melissa Meeker, Jerry Montgomery, Patrick Rooney, Malcolm Wade. Motion passed.

50. Board Direction on Consumptive Use Permit Application Discussion Items (Marjorie Craig, ext. 2987)

Ms. Craig requested Board direction on Consumptive Use Permit applications being added to the Consent Agenda versus the Discussion Agenda.

Ms. Craig provided staff's recommendation for Consumptive Use Permit Application Discussion Agenda Items as follows:

- Utility requests an average daily allocation of 10 million gallons per day or more.
- Any borrowing of water from the regional system to meet water needs while alternative water supply projects are constructed.
- Requested by a Governing Board member or merits board discussion.

Mr. Collins had concerns about these CUPs being moved to the Regulatory Consent Agenda because of the level of review by Board members.

Mr. Merriam said these permits will be moved from the Discussion Agenda to the Regular Consent Agenda and Board members will be briefed on the 20-year permits.

Everglades Restoration Resources

51. 2008-428 A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida containing 320.9 acres, more or less, within the boundaries of the Pennsuco Project, in Miami-Dade County, in the amount of \$3,209,000 and associated costs, for which dedicated funds (Lake Belt Mitigation Trust Fund) are available subject to approval of a 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. (Barbara Katz, ext. 6837)

No presentation was provided.

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

Vote called. Voting yes: Michael Collins, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Paul C. Huck Jr., Jerry Montgomery, Patrick Rooney. Not present: Malcolm Wade. Motion passed.

53. 2008-430 A Resolution of the Governing Board of the South Florida Water Management District approving execution of a non-binding letter of intent for the acquisition of 2266 +/- acres located in Martin County, at no cost to the District, for the St. Lucie River Watershed Protection Plan; providing an effective date. (Ruth Clements, ext. 6271)

Ruth Clements, Director, Land Acquisition and Management Department, presented information on this agenda item.

Public Comment: Martin County Commissioner Doug Smith read into the record a Martin County resolution. He thanked the Board and staff for their hard work on this issue.

Public Comment: Rosa Durando, Audubon Society, commented on rock mining and the effects to the quality of groundwater.

Public Comment: Patrick Hayes, Martin County Soil and Water Conservation District, commented on environmental restoration, water quality, and water storage in the C-18 basin.

Public Comment: Lisa Interlandi, Martin County Conservation Alliance and 1000 Friends of Florida, had concerns of setting a precedence of land acquisition in exchange for mining approvals.

Public Comment: Alex Larsen, citizen, opposes rock mining.

Ms. Estenoz asked about staff resources working on this issue.

Mr. Strowd provided additional information pertaining to staff time.

Mr. Collins provided comment on the laws pertaining to permitting for rock mining.

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 53

Vote called. Voting yes: Melissa Meeker, Michael Collins, Eric Buermann, Charles Dauray, Shannon Estenoz, Paul C. Huck Jr., Jerry Montgomery, Patrick Rooney, Malcolm Wade. Motion passed.

72. Acceler8 Update - Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration Resources, Paul E. Dumars, Sr., Chief Financial Officer

Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration provided an update on the C-111 Spreader Canal Phase 1 and the Northern Everglades Technical Plan.

Executive Office

73. Overview of Chapter 373, Florida Statutes (Continued) - Legal Authority regarding Condemnation and Land Acquisition - Carlyn Kowalsky, Managing Attorney, Office of Counsel

This item was postponed.

Operations and Maintenance

54. 2008-431 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 3600000897 with Miami-Dade County for the Miami River Dredging Project in the amount of \$3,000,000, is unbudgeted and subject to Governing Board approval of the April 2008 Budget Amendment in anticipation of reimbursement by a Cooperative Assistance Program Grant from the Florida Inland Navigation District in FY09; providing an effective date (Contract Number 3600000897-A04)(Evan Skornick, ext. 7290)

No presentation was provided.

Motion made by Michael Collins, seconded by Paul C. Huck Jr. to Approve the following item(s): 54

Vote called. Voting yes: Michael Collins, Paul C. Huck Jr., Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Jerry Montgomery, Patrick Rooney. Not present: Malcolm Wade. Motion passed.

- 55. 2008-432** 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 3 year work order contract with two one-year renewal options, subject to successful negotiations with YSI Incorporated, one of 5 firms selected for the MOSCAD Instrumentation & Control Equipment Installation Services under Request for Proposal 6000000128 for which the total not-to-exceed amount for all contracts to be awarded is \$2,750,000, of which \$250,000 in ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY09-FY11 budgets; providing an effective date. (Contract Number 4600001353) (Francois Berger, ext. 4787)

Larry Carter, Assistant Deputy Executive Director, presented information on this agenda item.

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 55

Vote called. Voting yes: Michael Collins, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Paul C. Huck Jr., Jerry Montgomery, Patrick Rooney, Malcolm Wade. Motion passed.

- 56. 2008-433** 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 3 year work order contract with two one-year renewal options, subject to successful negotiations with Rare Earth Sciences, Incorporated dba HSA Engineers & Scientists, one of 5 firms selected for the MOSCAD Instrumentation & Control Equipment Installation Services under Request for Proposal 6000000128 for which the total not-to-exceed amount for all contracts to be awarded is \$2,750,000, of which \$250,000 in ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY09-FY11 budgets; providing an effective date. (Contract Number 4600001354) (Francois Berger, ext. 4787)

Larry Carter, Assistant Deputy Executive Director, presented information on this agenda item.

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 56

Vote called. Voting yes: Michael Collins, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Paul C. Huck Jr., Jerry Montgomery, Patrick Rooney, Malcolm Wade. Motion passed.

- 57. 2008-434** 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 3 year work order contract with two one-year renewal options, subject to successful negotiations with Radise International, L.C., one of 5 firms selected for the MOSCAD Instrumentation & Control Equipment Installation Services under Request for Proposal 6000000128 for which the total not-to-exceed amount for all contracts to be awarded is \$2,750,000, of which \$250,000 in ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY09-FY11 budgets; providing an effective date. (Contract Number 4600001355) (Francois Berger, ext. 4787)

Larry Carter, Assistant Deputy Executive Director, presented information on this agenda item.

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 57

Vote called. Voting yes: Michael Collins, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Paul C. Huck Jr., Jerry Montgomery, Patrick Rooney, Malcolm Wade. Motion passed.

- 58. 2008-435** 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 3 year work order contract with two one-year renewal options, subject to successful negotiations with Star Controls Incorporated, one of 5 firms selected for the MOSCAD Instrumentation & Control Equipment Installation Services under Request for Proposal 6000000128 for which the total not-to-exceed amount for all contracts to be awarded is \$2,750,000, of which \$250,000 in ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY09-FY11 budgets; providing an effective date. (Contract Number 4600001357) (Francois Berger, ext. 4787)

Larry Carter, Assistant Deputy Executive Director, presented information on this agenda item.

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 58

Vote called. Voting yes: Michael Collins, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Paul C. Huck Jr., Jerry Montgomery, Patrick Rooney, Malcolm Wade. Motion passed.

- 59. 2008-436** 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 3 year work order contract with two one-year renewal options, subject to successful negotiations with Sutron Corporation, one of 5 firms selected for the MOSCAD Instrumentation & Control Equipment Installation Services under Request for Proposal 6000000128 for which the total not-to-exceed amount for all contracts to be awarded is \$2,750,000, of which \$250,000 in ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY09-FY11 budgets; providing an effective date. (Contract Number 4600001358) (Francois Berger, ext. 4787)

Larry Carter, Assistant Deputy Executive Director, presented information on this agenda item.

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 59

Vote called. Voting yes: Michael Collins, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Paul C. Huck Jr., Jerry Montgomery, Patrick Rooney, Malcolm Wade. Motion passed.

- 74. Update on Lake Okeechobee Emergency Actions for Structure Stability - Cled Weldon, Director, Engineering Department**

Cled Weldon, Director, Engineering Department, presented an update on the Lake Okeechobee Emergency Actions for structure stability. Mr. Weldon reported on the cost estimates for the projects and provided an update for each project.

- 60. Public Comment**

Public Comment: Rosa Durando, Audubon Society, reported on a hearing being conducted by Florida Department of Transportation in Royal Palm Beach. Her concerns are the rock mining for this road construction.

Public Comment: Alex Larsen, citizen, commented on sheet flow into Lake Okeechobee.

Public Comment: Drew Martin, Sierra Club, opposes rock mining and commented on the natural sheet flow through the EAA.

Staff Reports

61. Office of Policy and Legislation Update - Ernie Barnett

Ernie Barnett, Office of Policy and Legislation, provided an oral report on the Legislative update. Mr. Barnett reported on the State's budget reduction and the District's potential revenue reductions.

62. General Counsel Report - Sheryl Wood

Sheryl Wood, General Counsel, provided an oral report on site certifications for the Florida Power Plant construction, the Pietrucha case and Water Shortage Orders.

63. Executive Director's Report - Carol Wehle

Ms. Wehle reported the Strategic Planning Workshop has been rescheduled for May 14, 2008.

64. Board Comment

Chair Buermann said aerators were distributed to the public.

Shannon Estenez announced a joint meeting between the Governing Board and the Broward County Commission on May 12 at 9:30 am at the Broward Convention Center.

Mr. Wade reported on the navigational issues of the Pearce Canal and Moorehaven Canal.

Ms. Meeker commented on staff's recommendations for Consumptive Use 20-year permits. She requested the Board review these recommendations and discuss it at May's Governing Board meeting.

Closed Door Agenda

Executive Office

67. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. Sheryl G. Wood, Ext. 6976)

This item was discussed at the April Workshop on 4/9/08.

68. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in Teitelbaum, et al., v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 04-21282 CA 15. (Sheryl. G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in Teitelbaum, et al., v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 04-21282 CA 15. (Sheryl. G. Wood, Ext. 6976)

This item was discussed at the April Workshop on 4/9/08.

69. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in South Florida Water Management District v. Wherrell, et al., Nineteenth Judicial Circuit, Okeechobee County, Florida, Case No. 2007-CA-253. (Sheryl. G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in South Florida Water Management District v. Wherrell, et al., Nineteenth Judicial Circuit, Okeechobee County, Florida, Case No. 2007-CA-253. (Sheryl. G. Wood, Ext. 6976)

This item was discussed at the April Workshop on 4/9/08.

Adjournment

70. **Adjourn**

Chair Buermann adjourned the meeting at 2:14 pm.

Eric Buermann
Governing Board Chairman
South Florida Water Management District Governing Board

Recorded By:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services
SFWMD