



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

October 9, 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

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

Chair Buermann called the meeting to order at 9:00 am.

Ms. Estenoz reported on the Tri-Rail pilot project, the Broward County Task Force and the Broward Leaders Water Academy.

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

Shannon Estenoz led the group in the Pledge of Allegiance.

3. Employee Recognitions - Presented by Carol Wehle, Executive Director

Ms. Wehle recognized the October Employee and Team of the month. Ms. Wehle also recognized a 25-year service award.

Ms. Meeker recognized Mr. Olliff for being an alumni of Florida Atlantic University.

Ms. Wehle reported on the "Think Pink" Day which will be held during the December Governing Board meeting. The Susan G. Komen, Race for the Cure will be held in downtown West Palm Beach on Jan. 31, 2009.

4. Achievement of Excellence in Procurement Award - Presented by Kirk W. Buffington, Director of Procurement Services, City of Fort Lauderdale on behalf of the National Purchasing Institute

Kirk W. Buffington, City of Ft. Lauderdale, presented an achievement of Excellence Procurement Award to the South Florida Water Management District. Frank Hayden, Director, Procurement Department accepted the award on behalf of the District.

5. Agenda Addendum - Annette Carter, Director, Governing Board and Executive Services

Section 120.525, Florida Statutes, allows the District to change the published agenda for good cause shown, as determined by the presiding officer. Based upon that authority, the Chairman has determined that good cause exists to make certain changes to the agenda. These changes are being made in order to permit the Governing Board to efficiently accomplish necessary public business at this meeting and to reflect the items on the agenda that have been requested or suggested to be deleted, revised, supplemented or postponed. These changes have been listed in the Governing Board Addendum available at the entrance to this meeting room.

6. Abstentions by Board Members from items on the Agenda

Mr. Huck read into the record his abstention at the October Workshop which was held on October 8, 2008. This abstention was for both the Governing Board Workshop and Regular Business Meeting.

Mr. Huck abstained from Discussion Agenda Items 41, 48 and 49.

7. Water Resource Advisory Commission (WRAC) Report - Michael Collins, Chair

Mr. Collins provided the monthly report on the WRAC/Lake Okeechobee Committee Meeting held on September 16, 2008 and the WRAC meeting held on October 2, 2008 in Ft. Myers.

Public Comment: Newton Cook, United Fowlers, thanked Mr. Collins for his support on hunting in the STAs and the Kissimmee Chain of Lakes.

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

Mr. Dauray reported on the Audit and Finance Committee meeting which was held on October 8, 2008. Mr. Dauray requested the Governing Board approve the four audit reports and approve the Audit Plan for Fiscal Year 2009, as modified.

Motion made by Charles Dauray, seconded by Michael Collins to Approve the following item(s): 8

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

Consent Agenda

9. Public Comment on Consent Agenda

There was no public comment on the Consent Agenda.

10. Pull Items for Discussion from Consent Agenda

Mr. Collins pulled Agenda Item 41 from the Consent Agenda to the Discussion Agenda.

11. Board Comment on Consent Agenda

There was no Board comment on the Consent Agenda.

Water Resources

12. Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Denials

Environmental Resource Permit Extensions

Consent Agreements

Conservation Easements

Power Plant Site Certifications

Enforcement Actions

Page 2 No 3 Naples Reserve (WU): **Postponed** to November Board

Page 3 No 5 Treviso Bay-Aka Wentworth Estates (WU): **Postponed** to November Board

Page 4 No 1 Brighton Agricultural Project (WU): **Postponed** to November Board

Page 4 No 2 Red Barn Snake Pens (WU): **Postponed** to November

Page 6 No 3 Sherley RB (WU): **Postponed** to November Board

Page 7 No 5 Wild Island (WU): **Postponed** to November

Page 8 No 2 Corkscrew Excavation (WU): **Postponed to November Board**

Page 16 No 3 Coral Springs Stormwater Master Plan (WU Denial): **Withdrawn**

Page 17 No 5 Lago Mar Country Club (WU Denial): **Removed** from agenda

Page 19 No 1 Schmidt Grove (WU Denial): **Withdrawn**

Page 20 No 2 Agro Carrasco Site 1 (WU Denial): **Removed** from agenda

Page 20 No 3 Agro Carrasco Site 2 (WU Denial): **Removed** from agenda

Page 20 No 4 Green Forest Nursery (WU Denial): **Withdrawn**

Page 21 No 5 Jaimes Nursery (WU Denial): **Remove** from agenda

Page 21 No 6 Lover Green Nursery Incorporated (WU Denial): **Removed** from agenda

Page 21 No 7 McGrove (WU Denial): **Removed** from agenda

Page 22 No 9 Preferred Enterprises Inc (WU Denial): **Removed** from agenda

Page 22 No 10 Raul G. Molina Property (WU Denial): **Removed** from agenda

Page 22 No 11 South Florida Foliage Inc Site 2 (WU Denial): **Removed** from agenda

Page 23 No 3 Surface Facilities for Lake Okeechobee ASR Pilot Project (WU Denial): **Withdrawn**

Page 24 No 3 Twelve Oaks Condominium (WU Denial): **Removed** from agenda

13. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

Right of Way Occupancy Permit Requests with Waiver of District Criteria

14. 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)

15. Enter an order partially rescinding Order No. 2007-870-DAO-WS Imposing Modified Phase III Extreme Water Shortage Restrictions as to Specified Areas and Imposition of Modified Phase II Landscape Irrigation Restrictions for Users Withdrawing Water from Surface Waters and Groundwater within Everglades Agricultural Water Use Basin, Lakeshore Perimeter Water Use Basin, Caloosahatchee River Water Use Basin, St. Lucie River Water Use Basin, and portions of the Indian Prairie Water Use Basin.

Enter an order concurring with the Executive Directors Partial Rescission of Order No. 2007-870-DAO-WS Imposing Modified Phase III Extreme Water Shortage Restrictions as to Specified Areas and Imposition of Modified Phase II Landscape Irrigation Restrictions for Users Withdrawing Water from Surface Waters and Groundwater within the Town of Lantana Service Area and Unincorporated Lee County known as Lehigh Acres. (Dean Powell, ext. 6787)

16. **2008-1000** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with the Everglades Agricultural Area Environmental Protection District for Stormwater Treatment Areas Optimization, in the amount of \$600,000, of which the District's total contribution is \$400,000, for which dedicated funds (Everglades Restoration Trust Fund) are budgeted; providing an effective date. (Contract Number 4600001521) (Deborah Drum, ext. 6392)

17. Authorize publication of a Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Rule 40E-4.091, Florida Administrative Code (F.A.C.), to incorporate by reference the Agreement for Delegation of a Portion of the Environmental Resource Permitting Program between The South Florida Water Management District and Miami-Dade County and to delete section 2(b) of Rule 40E-400.315, F.A.C., regarding Thresholds and Additional Conditions within Dade County (Robert M. Brown, ext. 6283)

18. Authorize publication of a Notice of Rule Development in the Florida Administrative Weekly (FAW) to delete subsection 2(c) of Rule 40E-400.315, Florida Administrative Code (F.A.C.), regarding Thresholds and Additional Conditions within Collier County (Robert M. Brown, ext. 6283)

19.

Authorize publication of a Notice of Rulemaking in the Florida Administrative Weekly (FAW) to update Rule 40E-0.105, Florida Administrative Code (F.A.C.), to allow for additional noticing through electronic media, to amend Rule 40E-0.109, F.A.C., which inadvertently omitted the language allowing for electronic noticing when the original noticing provisions were enacted, and to amend Rule 40E-4.021(13), F.A.C., to include Works of the District permits in the definition of electronic filing (Anita Bain, ext 6866)

20. Authorize an order approving the Village of North Palm Beach's request to store excess water otherwise released to tide from the C-17 canal (Marjorie Craig, ext 2987)

21. Authorize entering into a Consent Agreement with Mecca Farms Lessee Boca West Farms to allow irrigation of 100 acres of existing agricultural crops using previously allocated water for a period of six months (Palm Beach County) (Marjorie Craig, ext 2987)

Everglades Restoration

22. **2008-1001** 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)

23. **2008-1002** A Resolution of the Governing Board of the South Florida Water Management District approving the conveyance of the District's interest in the C-14 (Pompano) Canal Right of Way containing 0.18 acres, more or less, Section 1, Township 49 South, Range 42 East, Broward County, subject to certain terms and conditions; approving the District joining in the plat of Atlantic Yacht Club Villas to be recorded in the Public Records of Broward County, subject to certain terms and conditions; delegating authority to the Executive Director to execute said joinder; rescinding Resolution No. 2007-712 relating to the same subject; providing an effective date. (Linda Schindeler x6838)

24. **2008-1003** A Resolution of the Governing Board of the South Florida Water Management District to approve declaring surplus and the exchange of land interests containing 0.85 acres, more or less, in Miami-Dade County, with an appraised value of \$212,500 in exchange for 3.05 acres, more or less, with an appraised value of \$194,050 for the L-31N Project, in Miami-Dade County, at no cost to the District; 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. (Tom Hanaway, ext. 6668)

25. **2008-1004** A Resolution of the Governing Board of the South Florida Water Management District to approve the Kissimmee Chain of Lakes Management Area General Management Plan (2008-2013); providing an effective date. (Steve Coughlin, ext. 2603)

26. **2008-1005** A Resolution of the Governing Board of the South Florida Water Management District authorizing the District to record conservation easements in favor of the Florida Department of Environmental Protection over 1,257.58 acres, more or less, in the Corkscrew Regional Ecosystem Watershed (CREW), Lee and Collier Counties, at no cost to the District. (Steve Coughlin, ext. 2603)

27. **2008-1006** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract Number OT040666 with the Florida Atlantic University, Center for Environmental Studies for the Environmental Education Program at DuPuis Management Area to extend the term by 4 years and 9 months from January 1, 2009 to September 30, 2013, and update the statement of work, in an amount not to exceed \$356,250, of which \$56,250 in dedicated (Wetland Mitigation) funds are budgeted; and the remainder is subject to Governing Board approval of the FY10, FY11, FY12 and FY13 budgets; providing an effective date. (Contract Number OT040666-A01) (Steve Coughlin, ext. 2603)

28. **2008-1007** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract Number OT040669 with the Florida Atlantic University, Center for Environmental Studies for the Kissimmee River Valley Public Use Program to extend the term by 4 years and 9 months from January 1, 2009 to September 30, 2013, and update the statement of work, in an amount not to exceed \$118,750, of which \$18,750 in dedicated (Wetland Mitigation) funds are budgeted; and the remainder is subject to Governing Board approval of the FY10, FY11, FY12 and FY13 budgets; providing an effective date. (Contract Number OT040669-A01) (Steve Coughlin, ext. 2603)

Executive Office

29. **2008-1008** A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the adopted budget needs for Fiscal Year 2009, utilizing funds from the Water Management Lands Trust Fund; authorizing the Executive Director or her designee to request reimbursement quarterly based on actual expenditures; providing an effective date. (Doug Bergstrom, Ext. 6214)

30. **2008-1009** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an amendment to purchase order 4500023452 with Intellisoft Technologies, Inc. as a special procurement using the State of Florida contract 973-561-06-1, for an SAP Basis/Security Administrator from October 10, 2008 through September 30, 2009, in the amount of \$363,200 for which ad valorem funds are budgeted in FY09, providing an effective date. (Purchase Order 4500023452, Bernardo Camarena, ext 6421)
31. **2008-1010** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an amendment to purchase order 4500008778 with Zenith Infoway, Inc. as a special procurement using the State of Florida contract 973-561-06-1, for an SAP ABAP Programmer from October 10, 2008 through September 30, 2009, in the amount of \$325,000 for which ad valorem funds are budgeted in FY09, providing an effective date. (Purchase Order 4500008778, Bernardo Camarena, ext 6421)
32. **2008-1011** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an amendment to purchase order 4500023451 with Intellisoft Technologies, Inc. as a special procurement using the State of Florida contract 973-561-06-1, for an SAP ABAP Programmer from October 10, 2008 through September 30, 2009, in the amount of \$343,200 for which ad valorem funds are budgeted in FY09, providing an effective date. (Purchase Order 4500023451, Bernardo Camarena, ext 6421)
33. **2008-1012** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an amendment to purchase order 4500007059 with Zenith Infoway, Inc. as a special procurement using the State of Florida contract 973-561-06-1, for an SAP HR Payroll/Time Functional Consultant from October 10, 2008 through September 30, 2009, in the amount of \$325,000 for which ad valorem funds are budgeted in FY09, providing an effective date. (Purchase Order 4500007059, Bernardo Camarena, ext 6421)
34. **2008-1013** 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 Ana Villareal, Silvia Jaramillo, and any other appropriate or necessary parties, in Broward County Court or other appropriate forum, regarding the property located in Sections 32, Township 50, Range 40, Broward County Florida, known as Escondido Estates. (Chris Pettit, Ext. 6423)
35. **2008-1014** 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 Martin Estrada, and any other appropriate or necessary parties, in Palm Beach County Circuit Court or other appropriate forum, regarding the property located at Section 12, Township 45, Range 41, Parcel ID Numbers 00414512000003150, 00414512000007200, 00414512000007190 and 00414512000003090, Palm Beach County, Florida (property). (Alison Kelly, Ext. 2977)

- 36. 2008-1015** 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 Boca Entrada II Condominium Association Inc., and any other appropriate or necessary parties, in Palm Beach County Circuit Court or other appropriate forum, regarding the property located in Section 36, Township 47, Range 41, Boca Raton, Palm Beach County, Florida. (Jennifer Bokankowitz, Ext. 2258)
- 37. 2008-1016** 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 The Village at Boca Rio Homeowners Association Inc., and any other appropriate or necessary parties, in Palm Beach County Circuit Court or other appropriate forum, regarding the property located in Section 29, Township 47, Range 42, Boca Raton, Palm Beach County, Florida. (Jennifer Bokankowitz, Ext. 2258)
- 38. 2008-1017** 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 Delray Lakes Estates Homeowners Association Inc., and any other appropriate or necessary parties, in Palm Beach County Circuit Court or other appropriate forum, regarding the property located in Section 20, Township 46, Range 42, Delray Beach, Palm Beach County, Florida. (Jennifer Bokankowitz, Ext. 2258)
- 39. 2008-1018** 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 Meadowridge East Association Inc., and any other appropriate or necessary parties, in Palm Beach County Circuit Court or other appropriate forum, regarding the property located in Section 11, Township 48, Range 42, Deerfield Beach, Broward County, Florida. (Jennifer Bokankowitz, Ext. 2258)

Government and Public Affairs

- 42. 2008-1021** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a cost share agreement with the City of West Park for stormwater improvements for waters discharging into the C9 canal, in the total amount of \$500,000 of which the District will contribute \$250,000 in ad-valorem funds subject to Governing Board approval, providing an effective date. (Contract # 4600001507, Jose Lopez x 4980).

43. **2008-1022** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3-year cost share agreement with the Palm Beach County Board of County Commissioners and the City of West Palm Beach for the Northlake Boulevard Bridge Design and Construction in the total amount of \$4,300,000, of which the District's total contribution is not to exceed \$800,000 of which dedicated funds (Comprehensive Everglades Restoration Plan Fund) in the amount of \$166,000 are budgeted in FY09 and the remainder is subject to Governing Board approval of the FY10-FY11 budgets; providing an effective date. (Kimberley Koptak, ext. 6163) (Contract Number 4600001529)

Corporate Resources

44. **2008-1023** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to a Purchase Order 4500020204 with Carahsoft Technology Corporation for a 3 year extension for an enterprise vault consultant for the time period October 13, 2008 to October 12, 2011, using the GSA schedule #GS-35F-013R, in the amount of \$487,305 for which \$162,435 FY09 ad valorem funds are budgeted, and the remainder is subject to Governing Board approval of the FY10 FY11 budgets; providing an effective date. (Purchase Order Number 4500020204) (Sharon Trost ext. 6814)

Operations and Maintenance

45. **2008-1024** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with the U.S. Geological Survey Florida Integrated Science Center (Orlando) for ground water and surface water monitoring in the total amount of \$435,679 for which ad valorem funds are budgeted; providing an effective date.(Contract Number 4600001513) (Cherry James, ext. 4709)

47. Board Vote on Consent Agenda

Motion made by Michael Collins, seconded by Paul C. Huck Jr. to Approve the following item(s): 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, 42, 43, 44, 45
Vote called. Voting yes: Michael Collins, Paul C. Huck Jr., Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Jerry Montgomery, Patrick Rooney.
Motion passed.

Discussion Agenda

Water Resources

48. 2008-1026 Open Public Hearing

A Resolution of the Governing Board of the South Florida Water Management District adding the River of Grass Acquisition Project (located in Gilchrist, Glades, Hendry, Highlands, and Palm Beach counties) to the SFWMD Florida Forever Work Plan, 2008 Annual Update; providing an effective date. (Wanda Simpson, ext. 6445)

Close Public Hearing

Chair Buermann opened the Public Hearing.

Presentation done by Ruth Clements, Director, Land Acquisition Department.

Chair Buermann closed the Public Hearing.

Public Comment: Rosa Durando, Audubon Society, commented on cost of excavating the muck on the U.S. Sugar land. She also commented on water supply in urban areas.

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

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

- 49. 2008-1027** A Resolution of the Governing Board of the South Florida Water Management District authorizing the lease-purchase financing and refinancing of the costs of the acquisition, construction and equipping of the Districts capital projects, programs and works, including the acquisition of the assets of United States Sugar Corporation, in the manner described herein; approving the forms of a Master Lease Purchase Agreement, Master Trust Agreement, Assignment Agreement and Ground Lease Agreement in substantially the forms attached hereto; authorizing the commencement of Judicial Validation Proceedings with respect to the Master Lease Purchase Program and the issuance of Certificates of Participation related thereto; and providing for an effective date. (Paul Dumars, ext. 6212)

Randy Hanna, Bryant, Miller and Olive, presented information on this agenda item.

Ms. Estenoz asked why the ground lease is necessary.

Mr. Hanna explained the structure of the COPs, the land being purchased by the District and information on the Leasing Corp.

Public Comment: Janet Taylor, Hendry County Board of County Commission, requested the Board have the U.S. Sugar land acquisition closing in Hendry County.

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

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

- 50.** Authorize publication of a Notice of Rulemaking in the Florida Administrative Weekly to amend Rules 40E-2.051, 40E-2.091, 40E-20.091, 40E-24.011, 40E-24.101, 40E-24.201, 40E-24.301, 40E-24.401, F.A.C., and the Basis of Review for Water Use Applications within the South Florida Water Management District, and to adopt proposed new Rules 40E-2.061 and 40E-24.501, F.A.C, to:
- 1) Implement District-Wide Mandatory Year-Round Landscape Irrigation Conservation Measures;
 - 2) Create a general permit by rule for outdoor residential consumptive use of water; and
 - 3) Amend water conservation requirements for public water supply permits. (Terrie Bates, ext. 6952)

Terrie Bates, Assistant Deputy Department Director, presented information on this agenda item. Ms. Bates reported on public water supply during water conservation. She reported on the provisions of the rule.

There was Board concern about enforcement for water restrictions.

Ms. Bates explained local governments will be enforcing the rule. She explained the local government ordinances.

Public Comment: Bruce Adams, citizen, commented on economic impacts to the utility companies and requested the Board reconsider adopting this rule.

Public Comment: Debra Joneck, FNCLA, commented on the reduction of irrigation days. She requested the reconsideration of this rule.

Public Comment: Paul Mattausch, Collier County, requested the Board reconsider this rule. He reported on the surcharges to the Collier County residents.

Public Comment: Stephen Thompson, City of Marco Island, reported on ASR surface water storage for Marco Island and requested the Board allow for variances in the rule.

Public Comment: Jacquie Weisblum, Audubon of Florida, supports water conservation efforts and this rule.

Public Comment: Lisa Wilburn-Davis, City of Boca Raton, supports three-day-a-week water restrictions.

Mr. Dauray asked about water volume being consistent in Collier County.

Mr. Mattausch reported on water usage in Collier County and weather changes.

Ms. Bates provided comment on irrigation and water conservation.

Mr. Merriam commented on two-days-a-week water irrigation, the water conservation program, and using potable water for irrigation.

Ms. Meeker commented on regional ecological inconsistencies and financial concerns and stated she does not support the rule.

Ms. Bates explained local government ordinances and variances to the rule.

Responding to questions regarding variances from Ms. Estenoz, Mr. Merriam provided additional information on variances to the rule.

Motion made by Michael Collins, seconded by Patrick Rooney to Approve the following item(s): 50

Vote called. Voting yes: Michael Collins, Patrick Rooney, Eric Buermann, Shannon Estenoz, Paul C. Huck Jr., Jerry Montgomery. Voting no: Charles Dauray, Melissa Meeker. Motion passed.

- 51. 2008-1028** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract 4600001034 with the Florida Department of Agriculture and Consumer Services for Implementation of Hybrid Wetland Treatment Technology Systems in the St. Lucie and Lake Okeechobee Watersheds, in the amount of \$3,000,000, for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600001034-A01) (David Unsell, ext. 6888)

David Unsell, Director, Lake Okeechobee Division, presented information on this agenda item. Mr. Unsell reported on the amendment to this contract and on the hybrid wetland/chemical treatment technology (HWTT).

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.
Motion passed.

- 52. CERP - Discussion - Approve Environmental Resource Permit Modification Application 070525-5 to authorize construction and operation of a surface water management system serving a 688-acre residential and golf course development for a project known as Naples Reserve (Collier County) (Robert M. Brown, ext. 6283)**

Robert M. Brown, Director, Environmental Resource Regulation Department, presented background information on the project known as Naples Reserve located in Collier County:

- 688 acre site.
- Site currently contains agricultural croplands and was previously authorized by a District permit in 1990.
- An Environmental Resource Permit was issued by the District for construction and operation authorization in 2000, however, no construction activities took place.
- Present request is for a modification of the existing Environmental Resource Permit.

Motion made by Michael Collins, seconded by Charles Dauray to Approve the following item(s): 52

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

- 53. CERP - Discussion - Approve Environmental Resource Permit Application 080605-1 for conceptual approval of a 132.23 acre development including 47.35 acres of conservation area and a surface water management system serving 84.88 acres of industrial development for a project known of as IDI Crossroads (St. Lucie County) (Robert M. Brown, ext. 6283)**

Robert M. Brown, Director, Environmental Resource Regulation Department, presented information on the project known as IDI Crossroads located in St. Lucie County:

- Adjacent to the North Fork Floodplain Restoration Project.
- Application is for a new conceptual permit for a 84.88 acre industrial park.

Ms. Meeker requested recreational opportunities on District-owned land in this area.

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.
Motion passed.

- 54. CERP - Discussion - Approve Environmental Resource Permit Modification Application 080513-12 for the construction and operation of the 364 acre Acme Basin B, Section 24 Impoundment in the Village of Wellington (Palm Beach County) (Robert M. Brown, ext 6283)**

Robert M. Brown, Director, Environmental Resource Regulation Department, provided background information on the project known as Village of Wellington - Section 24, in Palm Beach County:

- Total project area is 364.4 acres
- Applicant is requesting authorization to construct and operate a surface water management impoundment with associated pumps, structures, mitigation area and recreational areas for Acme Basin B flood attenuation.

Mr. Ammon reported Section 24 provides flood protection and water quality treatment and also protects wetlands.

Public Comment: Rosa Durando, Audubon Society, commented on the discharges from Wellington, controlled elevation, and wetlands preservation.

Public Comment: Paul Schoefield, Village of Wellington, commented on the difference between Section 24 and Peacock Pond. He reported on water quality BMPs in the Village of Wellington.

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

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

- 55.** Approve Water Use Permit Modification and Renewal Application 070518-16 for the City of Miramar for proposed water use demands from the Biscayne Aquifer and the Floridan Aquifer with 20-year duration (Broward County) (Marjorie Craig, ext 2987)

Marjorie Craig, Director, Water Supply Department, presented information on this agenda item.

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

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

- 56.** **2008-1029** A Resolution of the Governing Board of the South Florida Water Management District to authorize submittal of the proposed 2009 Minimum Flows and Levels Annual Priority List and Schedule to the Department of Environmental Protection for review and approval pursuant to Section 373.042(2), Florida Statutes; providing an effective date. (Marjorie Craig/John Mulliken, ext. 2987)

No presentation was provided.

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. Motion passed.

Executive Office

- 41. 2008-1020** A Resolution of the Governing Board of the South Florida Water Management District amending Sections 110-41, 110-44, 110-47 and 110-53 of Article IV, Chapter 110, of the District Policies Code regarding issuance of debt to revise debt issuance ratios, to include provisions regarding the use of derivative products and interest rate hedge contracts and to make other changes; repealing Section 110-48, District Policies Code, relating to financing for Acceler8 Projects; providing for inclusion in the District Policy Code; providing for severability; providing an effective date. (Paul E. Dumars, Sr., ext. 6212)

Paul Dumars, Chief Financial Officer, presented information on this agenda item.

Mr. Collins reported he does not support the policy of increasing debt service capacity to 30 percent.

Mr. Dumar explained this would give the District the capacity for financing.

Mr. Collins commented on simultaneous closings and the 30 percent debt to revenue ratio.

Mr. Olliff provided information on the policy and stated the ratio is based on the District's pledgible revenue.

Ms. Estenoz supports staff's recommendation.

Mr. Collins commented on communicating the information to the legislature and possible legislative funding support.

Mr. Montgomery commented on simultaneous closings, and protecting the taxpayers interests in securing an important piece of property in a financially-responsible way.

Mr. Dauray commented on ensuring support from the Governor and Legislature.

Motion made by Jerry Montgomery, seconded by Shannon Estenoz to Approve the following item(s): 41

Vote called. Voting yes: Jerry Montgomery, Shannon Estenoz, Eric Buermann, Charles Dauray, Melissa Meeker, Patrick Rooney. Voting no: Michael Collins. Abstained: Paul C. Huck Jr.. Motion passed.

Operations and Maintenance

- 57. 2008-1030** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with the U.S. Geological Survey Florida Integrated Science Center (Ft. Lauderdale) for ground water and surface water monitoring in the total amount of \$1,867,613 for which ad valorem funds are budgeted; providing an effective date.(Contract Number 4600001518) (Cherry James, ext. 4709)

No presentation was provided.

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. Motion passed.

- 58. 2008-1031** 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 contract with MWH Americas, Incorporated subject to successful negotiations, for the Operations Decision Support System (ODSS) implementation, in an amount not-to-exceed \$4,700,000 for which ad valorem funds in the amount of \$737,490 are budgeted and the remainder is subject to Governing Board approval of the FY10-FY12 budgets; providing that, if negotiations are unsuccessful with MWH Americas, Incorporated, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001527) (Lakin Flowers, 2639)

No presentation was provided.

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

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

59. Public Comment

Public Comment: Jacquie Weisblum, Audubon of Florida, commented on the National Research Council (NRC) Report and committing to Everglades restoration.

Public Comment: John A. Marshall, Arthur R. Marshall Foundation, commented on salt water intrusion due to sea level rise.

Staff Reports

60. General Counsel Report - Sheryl Wood

Ms. Wood provided information on the Power Plant Siting Act, state-wide Stormwater Rule Technical Advisory Committee meetings and the Anti-Drift meetings.

61. Executive Director's Report - Carol Wehle

Ms. Wehle reported on the contract solicitations for the SBE Program.

62. Board Comment

Mr. Collins announced there is a Palm Beach County Water Task Force Committee being organized. Mr. Rooney has agreed to be a representative on the committee.

Adjournment

66. Adjourn

Chair Buermann adjourned the meeting at 1:00 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

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 66

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