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## South Florida Water Management District

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### GOVERNING BOARD MONTHLY MEETING MINUTES

September 8, 2016

9:00 AM

District Headquarters - B-1 Auditorium  
West Palm Beach, FL 33406

Attendee Name	Title	Status	Arrived
Daniel O'Keefe	Chair	Present	
Kevin Powers	Vice Chair	Present	
Sam Accursio		Present	
Rick Barber		Present	
Federico Fernandez		Present	
Clarke Harlow		Present	
Mitch Hutchcraft		Present	
James J. Moran		Present	
Melanie Peterson		Present	

**1. Call to Order - Dan O'Keefe, Chairman, Governing Board**

Chairman O'Keefe called the meeting to order at 9:03 AM.

**2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board**

Mr. Moran led the Pledge of Allegiance.

**3. Oath of Office Administered to Federico E. Fernandez**

Chairman O'Keefe administered the oath of office to Federico E. Fernandez.

**4. Proclamations**

A proclamation was presented to the Loxahatchee River District.

Following Agenda item 36B, Ecological Conditions Report, a proclamation was presented to the Town of Cutler Bay.

**5. Employee Recognitions - Presented by Peter Antonacci, Executive Director**

Mr. Antonacci presented the employee recognitions, including: September Employee of the month, Fahmida Khatun, and a 30 Year Service Award, Ken Mudd.

**6. Agenda Revisions - Tia Barnett, Director, Board & Executive Services**

Ms. Barnett stated that there were no revisions to the agenda.

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

Mr. O'Keefe abstained from Consent Agenda items 16 and 17. Mr. O'Keefe's firm, Shutts & Bowen, LLP, represents Lennar Homes, LLC and Pulte Homes Corporation on unrelated matters.

**8. Project & Lands Committee Report - Melanie Peterson, Chair**

This item was heard after Agenda item 9.

Ms. Peterson provided the Project and Lands Committee report from the September 7<sup>th</sup> meeting held in West Palm Beach. Items discussed included an overview of the newest element of the Dispersed Water Management Program, updates on the Lake Okeechobee Watershed Project and Western Everglades Restoration Project, the Lakeside Ranch Agreements with Florida Department of Transportation. The Real Estate Division provided a presentation and led discussions on several real estate items including: the District's lease policy, current land surplus activities and the proposed agreement with the University of Florida, Institute of Food and Agricultural Sciences.

The next Project and Lands Committee meeting is scheduled for October 12<sup>th</sup> at District Headquarters.

**Board Comment**

Mr. Barber brought up the six topics of concern that were discussed by cattleman during the Project & Lands Committee meeting and requested staff to provide an update to the Board on a plan to address the concerns. The Board further discussed the Project & Lands Committee meeting in regards to input from stakeholders and how best to move forward.

Mr. Moran discussed the outreach program and requested that staff work with the lessees as the new policies are drafted.

Mr. Powers suggested having a roundtable workshop with staff and lease holders to address concerns.

Chairman O'Keefe requested a full briefing from staff, as to whether a roundtable meeting would be beneficial.

Mr. Hutchcraft requested staff to look at the process to make the transition smoother going forward, so that lessees can remain good partners.

**9. Water Resources Advisory Commission (WRAC) Report - Jim Moran, Chair**

This item was heard after Agenda item 10.

Mr. Moran provided the WRAC report from the September 8<sup>th</sup> meeting held in West Palm Beach. Items discussed included an update on the 2017 Priority Water Body List, a summary on Water Conditions, updates on the Florida Bay Project proposal, Best Management Practices, and a presentation on the Northern Everglades Public-Private Partnerships.

The next WRAC meeting is scheduled for October 6<sup>th</sup> in Naples at Collier County Regional Park.

**10. Big Cypress Basin Report - Rick Barber, Chair**

This item was heard before Agenda item 8.

Mr. Barber provided the Big Cypress Basin Report for the August 25<sup>th</sup> meeting held in Naples. Items discussed included an update on the Lake Trafford Watershed Study, adoption of the Basin rollback millage and approved final budget for fiscal year 2016-17, an overview of rainfall for the month and system conditions, an update on the increase in vegetation in the canals this year and the steps being taken to keep it out of Naples Bay, and an update on the SR29 canal maintenance issue.

**11. Approval of the Minutes from the August 11, 2016 meeting, held in West Palm Beach.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kevin Powers, Vice Chair
<b>SECONDER:</b>	James J. Moran
<b>AYES:</b>	O'Keefe, Powers, Accursio, Barber, Fernandez, Harlow, Hutchcraft, Moran, Peterson

**Consent Agenda**

**12. Public Comment on Consent Agenda**

There was no public comment on the Consent Agenda.

**13. Move Consent Agenda Items to Discussion Agenda**

No items were moved from the Consent Agenda to the Discussion Agenda.

**14. Board Comment on Consent Agenda**

There was no Board Comment on the Consent Agenda.

**15. Waivers for Water Resource Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes**

**16. Regulatory Consent Items**

Mr. O'Keefe abstained from Consent Agenda item 16 for Lennar Homes, LLC.

17. Resolution No. 2016 - 0901 Approve release of canal reservations, and issuance of a non-use commitment. (Real Estate, staff contact, Kathy Massey, ext. 6835)

Mr. O'Keefe abstained from Consent Agenda item 17 for Pulte Homes Corporation.

18. **Approve two agreements with Florida Department of Transportation for the S-675 Crossing State Road 700 for Lakeside Ranch Stormwater Treatment Area Project. (Operations, Engineering and Construction, staff contact, John P. Mitnik, ext. 2679)**

A) Resolution No. 2016 - 0902 A) Construction Agreement with FDOT for S-675 Crossing SR 700 for Lakeside Ranch STA Project

B) Resolution No. 2016 - 0903 B) Maintenance Agreement with FDOT for S-675 Crossing SR 700 for Lakeside Ranch STA Project

19. Resolution No. 2016 - 0904 Authorize an amendment to Contract No. 4600002935-A02 by entering into a 2-year renewal option with Toler Enterprises, Inc. for Slope Mowing Services within the Ft. Lauderdale Field Station area of responsibility, in an amount not-to-exceed \$324,000, which is subject to Governing Board approval of the Fiscal Year 2016-2017 and Fiscal Year 2017-2018 budgets. (Contract No. 4600002935-A02) (Field Operations & Land Management, staff contact, Karen Estock, ext. 6282)
20. Resolution No. 2016 - 0905 Authorize entering into an Agreement with the Florida Department of Environmental Protection to dedicate lands owned by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF) for implementation of the Broward County Water Preserve Areas and Biscayne Bay Coastal Wetlands Phase 1 Projects, components of the Comprehensive Everglades Restoration Plan. (Real Estate, staff contact, Marcy Zehnder, ext. 6694)
21. Resolution No. 2016 - 0906 Authorize entering into an Agreement with the National Park Service for the Biscayne Bay Coastal Wetlands Phase I Project. (Real Estate, staff contact, Marcy Zehnder, ext. 6694)
22. Resolution No. 2016 - 0907 Authorize entering into a 3-year contract with Florida Atlantic University for the purpose of providing technical scientific support and management of the Kissimmee River Restoration Riverwoods Field Laboratory in an amount not to exceed \$810,237, for which \$261,760 in dedicated funds is in the tentative Fiscal Year 2016 - 2017 budget, and the remainder is subject to Governing Board approval of the Fiscal Year 2018-2019 budgets. (Contract No. 4600003481) (Water Resources, staff contact, Lawrence Glenn, ext. 6499)

- 23.** Resolution No. 2016 - 0908 Approve a cost-share agreement with the Everglades Agricultural Area Environmental Protection District for applied research in the Stormwater Treatment Areas in the amount of \$780,000, of which the District's total contribution is \$400,000, for which funds are budgeted for subject to Governing Board approval of the Fiscal Year 2016 - 2017. (Water Resources, staff contact, Kim O'Dell, ext. 2650)
- 24.** Resolution No. 2016 - 0909 Authorize a 3-year contract with Audubon of Florida's Tavernier Science Center for hydrology, aquatic vegetation, and prey-base fauna monitoring in the Northern Florida Bay transition zones as part of the assessment of the C-111 Spreader Canal Western Project in an amount not to exceed \$450,000 subject to Governing Board approval of the Fiscal Year 2017 through Fiscal Year 2019 budgets. (Water Resources, staff contact, Eric Cline, ext. 4596)
- 25.** Resolution No. 2016 - 0910 Authorize entering into a 12-month agreement with the City of Naples in an amount not to exceed \$738,600 or 25% of eligible expenses, whichever is less, for the construction of Reclaimed Water System Expansion Phase 5, for which dedicated Big Cypress Basin ad valorem funds are subject to Governing Board approval of the Fiscal Year 2016-2017 budget. (Everglades Policy & Coordination, staff contact, Rod Braun, ext. 2925)
- 26.** Resolution No. 2016 - 0911 Authorize a 3-year Memorandum of Agreement with the Florida Department of Transportation for the transfer of toll revenues generated on Alligator Alley from the State Transportation Trust Fund to the South Florida Water Management District's Everglades Fund for environmental projects to restore the natural values of the Everglades pursuant to Sections 338.26 and 373.4592, Florida Statutes. (Contract No. 4600003471) (Administrative Services, staff contact, Dorothy Bradshaw, ext. 2823)
- 27.** Resolution No. 2016 - 0912 Authorize entering into an agreement with Osceola County Board of County Commissioners in an amount not to exceed \$600,000 for the construction of Eagle Bay Drainage Improvements, for which funds are budgeted, subject to approval by the Osceola County Board of County Commissioners. (Everglades Policy & Coordination, staff contact, Rod Braun, ext. 2925)
- 28.** Resolution No. 2016 - 0913 Authorize a 1-year extension to the Enterprise License Agreement with Environmental Systems Research Institute, Inc. (Esri) from October 1, 2016 through September 30, 2017. This agreement provides unlimited access to GIS (Geographical Information System) mapping software and upgrades used throughout the District. The annual cost is \$380,000 for which funds are subject to Governing Board approval of the Fiscal Year 2016 - 2017 budget. (Information Technology, staff contact, Duane Piper, ext. 2638)
- 29.** Resolution No. 2016 - 0914 Authorize entering into a Purchase Order with Oracle America, Inc. for Software Maintenance and Upgrades, from October 25, 2016

through October 24, 2017. The District's Oracle database software is utilized by Operations, SAP, Regulation and Web Portal Applications. The annual cost is \$851,985 for which funds are subject to Governing Board approval of the Fiscal Year 2016 - 2017 budget. (Information Technology, staff contact, Duane Piper, ext. 2638)

30. Resolution No. 2016 - 0915 Authorize entering into a Purchase Order with SAP Public Services, Inc. for software maintenance and upgrades, from October 1, 2016 through September 30, 2017. SAP is the integrated Enterprise Resource Planning Software used for the District's core business functions (Accounting, Finance, Procurement, Human Resources, Payroll, Plant Maintenance, and Project Management). The annual cost is \$588,669 for which funds are subject to Governing Board approval of the Fiscal Year 2016 - 2017 budget. (Information Technology, staff contact, Duane Piper, ext. 2638)
31. Resolution No. 2016 - 0916 Authorize entering into a Purchase Order with Oracle Corporation for the annual renewal of the Sun Microsystems server, storage, and peripheral hardware maintenance, from November 1, 2016 through October 31, 2017. Critical District applications such as SAP, DBHYDRO, Operations and other core applications reside on the Sun Microsystems hardware. The annual cost is \$205,341 for which funds are subject to Governing Board approval of the Fiscal Year 2016 - 2017 budget. (Information Technology, staff contact, Duane Piper, ext. 2638)
32. Resolution No. 2016 - 0917 Approve certifying to the Joint Administrative Procedures Committee that the Governing Board has reviewed the 2016/2017 Annual Regulatory Plan and that the District regularly reviews and has recently reviewed its rules to determine if the rules remain consistent with the District's rulemaking authority and the laws implemented, as required by Section 120.74, Florida Statutes, effective immediately. (Office of Counsel, staff contact, Brian J. Accardo, ext. 6232)
33. Resolution No. 2016 - 0918 Authorize an amendment to Section 101-41 and Section 101-48 of the District Policies Code to delegate authority to the Executive Director to deny those permit applications under part II and part IV of Chapter 373, Florida Statutes, that remain incomplete beyond the timeframes provided in Rule 40E-1.603, Florida Administrative Code, and Section 5.5.3.5 of the Environmental Resource Permit Applicant's Handbook, Volume I, and to take final action on petitions for variances to the mandatory year-round landscape irrigation conservation measures set forth in Chapter 40E-24, Florida Administrative Code. (Office of Counsel, staff contact, Maricruz Fincher, ext. 6842)
34. **Board Vote on Consent Agenda Items 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33**

Mr. O'Keefe abstained from Consent Agenda items 16 and 17.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kevin Powers, Vice Chair
<b>SECONDER:</b>	Rick Barber
<b>AYES:</b>	O'Keefe, Powers, Accursio, Barber, Fernandez, Harlow, Hutchcraft, Moran, Peterson

**35. Board Comment**

Mr. Moran discussed payments made to the Brady Ranch lessee to remove exotics and requested staff to follow-up on the terms of the payment.

Mr. Hutchcraft discussed the upcoming fund raising activity for the employee selected organization, Water for Small Villages.

**Discussion Agenda**

**36. Technical Reports**

**A) Water Conditions Report - John P. Mitnik, Chief Engineer, Operations, Engineering & Construction**

Mr. Mitnik provided the Water Conditions Report for the last thirty days. Rainfall has been slightly above average with a majority concentrated in the upper Kissimmee Basins and River. Lake Okeechobee water levels have remained steady over the past several weeks.

Mr. Mitnik explained Lake Tohopekaliga and Lake Kissimmee are slightly above regulation schedules, and Water Conservation Area 1 (WCA) is below regulation schedule and WCA 2/3 are above regulation schedule.

In the southern portion of the system, S12-A, B, C and D are all discharging water into the Everglades National Park (ENP). The S-333 and S-334 structures are currently closed, as a result of the recent rainfall and high water conditions.

Mr. Mitnik provided the Lake Okeechobee position analysis for the next several months and the 2016-2017 south Miami-Dade seasonal agricultural operations.

**Board Comment**

In response to a question from Mr. Moran, Mr. Mitnik discussed Lake Kissimmee effects pertaining to releases to the estuaries from Lake Okeechobee.

In response to a question from Mr. Hutchcraft, Mr. Mitnik explained the capacity and operations of the S-12 structure.

In response to a question from Chairman O'Keefe, Mr. Mitnik stated that the full capacity of the S-12 structure is approximately 8,000 - 10,000 cfs.

In response to a question from Mr. Barber, Mr. Mitnik elaborated on the releases into C-43 and S-79.

In response to a question from Mr. Accursio, Mr. Mitnik discussed the ENP East releases.

## **B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources**

Ms. Bates provided the ecological conditions for the last thirty days and an update on the Kissimmee River Phase 1 Restoration area, MacArthur Ditch backfilling project.

Lake Okeechobee water depths have been above elevation 15 feet NGVD. Ms. Bates provided the MODIS satellite bloom monitoring results and elaborated on the algal bloom levels.

Ms. Bates provided the 2015-2016 submerged aquatic vegetation (SAV) monitoring results in Lake Okeechobee. Ms. Bates reported that SAV coverage was the lowest it had been since 2006, due to sustained high lake stages resulting in poor light conditions.

Ms. Bates presented snail kite nesting update, nesting has surpassed the normal nesting season levels in Lake Okeechobee including areas where there has been restoration efforts.

Ms. Bates presented ecological conditions in the St. Lucie and Caloosahatchee estuaries explaining the effect of the US Army Corps of Engineers' (USACE) releases and the salinity of the estuaries.

In the Stormwater Treatment Areas (STAs) water levels are all above target depths and continue to provide good performance. In Biscayne Bay, salinity levels are below the maximum preferred range.

Ms. Bates presented the water depths in the Everglades. Water levels are higher than this time last year, especially in WCA-3. The U.S. Fish and Wildlife Service has issued a closure order for WCA-3, due to the high stages in that system. In Florida Bay, inflows that go through the five creeks have doubled, yet water flows are still below historical average and salinity levels are as expected for this time of year. Ms. Bates provided information pertaining to the Florida Bay conditions and activities.

### **Board Comment**

Mr. Powers discussed the snail kite activity in Lake Okeechobee whilst Ms. Bates explained the birds seek out the best area for feeding and nesting. Snail kite population trends over the last five years have been improving.

In response to a question from Mr. Accursio, Ms. Bates discussed the seagrass regrowth in Florida Bay.

In response to a question from Mr. Hutchcraft, Ms. Bates and Ms. Gray explained SAV reduction in the southwest area of Lake Okeechobee and runoff in the Caloosahatchee Estuary. Mr. Hutchcraft requested additional information on how the high water has impacted seagrass on the west coast.

In response to a question from Mr. Moran, Ms. Bates discussed the system wide snail kite population survey and final report. The report includes small nesting areas on privately owned lands within the District's boundary.

In response to a question from Mr. Powers, Ms. Bates explained private lands are included as a special group on the snail kite survey.

Mr. Antonacci explained the District has an independent consultant preparing a report on snail kites and it will be included in the Districts forward pump permit application process.

In other matters; Chairman O'Keefe presented a proclamation to the Town of Cutler Bay.

Ms. Bates provided a corrected salinity level update.

**37. Florida Bay Project Update - Peter Antonacci, Executive Director**

Mr. Mitnik gave a presentation on the Florida Bay project discussing refined proposed features, refined detail of L-31W levee and weir feature, L-31W canal plug locations and the progress of the project.

**Board Comment**

In response to a question from Mr. Accursio, Mr. Mitnik discussed vegetation management and updated the Board on the permit status for the Florida Bay project.

Town of Cutler Bay Mayor Peggy Bell addressed the Governing Board. Mayor Bell discussed ecotourism and farming, thanked the Board and District staff for their continued efforts to improve water quality and quantity concerns.

Mr. Antonacci further discussed the Florida Bay project as it relates to permits, and steps needed to move forward to achieve the ecological goals of the District.

**38. Fiscal Year 2016-17 Budget Discussion - Peter Antonacci, Executive Director**

Mr. Antonacci discussed the tentative fiscal year 2016-2017 budget, providing an overview of retiree benefits, staff salaries and a reduction in payment to the 298 Districts.

**Board Comment**

The Governing Board and Mr. Antonacci further discussed taking a phased approach to reduce retiree benefits and payments, as part of the tentative budget.

39. **Resolution No. 2016 - 0919 Authorize entering into two-year agreements with Cooperative Funding Program applicants in an amount not to exceed a total of \$9,082,900 for the purpose of implementing local alternative water supply, stormwater management, and water conservation projects. (Water Resources, staff contact, Terrie Bates, ext. 6952)**

Mr. Elsner gave a presentation on the District's cooperative funding program. Mr. Elsner reviewed the program, funding guidelines and eligibility considerations.

**Board Comment**

Several members of the Governing Board commented on the program specifics, its importance throughout the District and Big Cypress Basin as well as options for future funding sources for the program.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rick Barber
<b>SECONDER:</b>	Melanie Peterson
<b>AYES:</b>	O'Keefe, Powers, Accursio, Barber, Fernandez, Harlow, Hutchcraft, Moran, Peterson

40. **Resolution No. 2016 - 0920 Authorize entering into an agreement with the U.S. Department of the Army to evaluate alternatives and prepare a Post Authorization Change Report for the C-111 South Dade Project that will be used to seek Congressional authorization to replace temporary pump stations S-332B and S-332C and associated discharge pipes with permanent facilities; and affirming South Florida Water Management District's financial capability to satisfy the obligations of the Non-Federal Sponsor described in the agreement, for which the South Florida Water Management District will be responsible for providing 50 percent of the cost, and for which \$25,000 is budgeted for Fiscal Year 2015-2016 and the remaining funding is subject to Governing Board approval of future fiscal year budgets (Contract No. 4600003435). (Everglades Policy & Coordination, staff contact, Matt Morrison, ext. 6844)**

Mr. Morrison provided a presentation on the C-111 South Dade project agreement for development of a Post Authorization Change Report. Mr. Morrison discussed the background, pump stations S-332B and S-332C, inspection report items, the permanent pump station and the post authorization change report.

**Board Comment**

In response to a question from Mr. Accursio, Ms. Estock and Mr. Mitnik explained how operations are affected during pump refurbishment and replacement.

In response to a question from Mr. Barber, Mr. Morrison stated that the \$1.7 million includes the conceptual designs of the new facility.

In response to a question from Mr. Moran, Mr. Morrison explained the cost share agreement and out of pocket expenses to the District, which is limited to \$25,000.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mitch Hutchcraft
<b>SECONDER:</b>	Melanie Peterson
<b>AYES:</b>	O'Keefe, Powers, Accursio, Barber, Fernandez, Harlow, Hutchcraft, Moran, Peterson

**41. General Public Comment**

Martin County Commissioner, Ed Fielding, thanked the District for its continued good working relationship and discussed projects in Martin County in fiscal year 2016-2017.

Mark Perry, Florida Oceanographic Society, commented on the recent rainfall, local runoff and Lake Okeechobee inflows into the St. Lucie Estuary as well as the USACE's pulse releases.

Mike Collins commented on the operational history and health of Florida Bay, as well as District projects in the area.

Darrell Brand, Rivers Coalition, read portions of a recently approved resolution of the River's Coalition in support of Senator Negron's proposal to buy 60,000 acres south of Lake Okeechobee.

Laura Reynolds, Conservancy of Southwest Florida, commented on the District's tentative fiscal year 2016-2017 budget and tentative millage rate, and requested the Governing Board not roll back millage in order to better fund District water quality and storage projects.

Cara Capp, National Parks Conservation Association, expressed concerns regarding elements of the Florida Bay plan.

Scott Zucker, Audubon Society of the Everglades, addressed the Board's decision to send a letter of default to the U.S. Fish and Wildlife and how the District plans to pay the full cost of controlling the invasive species on the Loxahatchee Wildlife Refuge, should the lease be revoked.

**Staff Reports**

**42. Monthly Financial Report - Dorothy Bradshaw**

Ms. Bradshaw provided the financial report through July 2016.

**43. General Counsel's Report - Brian Accardo**

Mr. Accardo had no report this month.

**44. Executive Director's Report - Peter Antonacci**

Mr. Antonacci's report included a summary of the All Aboard Florida permit, an update on the forward pump permitting process. Looking ahead the Governing Board will receive an update on the C-51 project and Florida Bay project permit

status. Additionally, Mr. Antonacci followed up on a discussion that took place at the September Project & Lands Committee meeting regarding the District lease policy and explained District staff will continue to review individual leases and the District's policy to ensure they are true and correct.

**45. Board Comment**

Ms. Peterson thanked Senator Marco Rubio for his support on CEPP.

**46. Adjourn**

Chairman O'Keefe adjourned the meeting at 11:39 AM.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kevin Powers, Vice Chair
<b>SECONDER:</b>	James J. Moran
<b>AYES:</b>	O'Keefe, Powers, Accursio, Barber, Fernandez, Harlow, Hutchcraft, Moran, Peterson



Dan O'Keefe, Chairman  
Governing Board  
South Florida Water Management District



Haley Koptak  
Deputy District Clerk  
South Florida Water Management District