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## South Florida Water Management District

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### GOVERNING BOARD MONTHLY MEETING AGENDA

November 10, 2016

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

FINAL

1. Call to Order - Dan O'Keefe, Chairman, Governing Board
2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board
3. Employee Recognitions - Presented by Peter Antonacci, Executive Director
  - November Employee of the Month: Richard "Tom" James, Lead Scientist, Water Resources Division
  - November Team of the Month: 2016 Cooperative Funding Program Team
  - 30 Year Service Award: Mitchell Krolick, Information Technology
  - 35 Year Service Award: Lambert Granie, Fort Lauderdale Field Station
4. Agenda Revisions - Tia Barnett, Director, Board & Executive Services
5. Abstentions by Board Members from items on the Agenda
6. Big Cypress Basin Board Report - Rick Barber, Chair
7. Water Resources Advisory Commission (WRAC) Report - Jim Moran, Chair
8. Project & Lands Committee Report - Melanie Peterson, Chair
9. Audit & Finance Committee Report - Mitch Hutchcraft, Chair
10. Consider Approval of the Minutes from the October 13th Governing Board meeting

## **Consent Agenda**

11. Public Comment on Consent Agenda
12. Move Consent Agenda Items to Discussion Agenda
13. Board Comment on Consent Agenda
14. Waivers for Water Resource Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes
15. Regulatory Consent Items

### **Conservation Easements and Releases**

#### **Agenda Item Background:** Lee County

The applicant requests release of 0.04 acres of upland buffer areas within the recorded conservation easement to accommodate minor site plan reconfigurations within Lot 9 of Spring Creek West. The area to be released was not part of a mitigation plan, so no mitigation is required. The original conservation easement acreage totaled 3 acres; as a result of this partial release, the conservation easement will be 2.96 acres. (Regulation, staff contact: Melissa Roberts, ext.7795)

#### **Recommended Action:**

**Approve a partial release of a recorded conservation easement within property owned by P. Ronald Sabatino for a project known as Spring Creek West (Application No. 151027-18, Permit No. 36-02469-S).**

#### **Agenda Item Background:** Broward County

R and R Davie, LLC requests release of a 2.91-acre conservation easement to expand an existing vehicular storage lot. The applicant is providing 3.46 acres of wetland restoration and 2.61 mitigation bank credits from Loxahatchee Mitigation Bank as mitigation. A new conservation easement will be recorded over the 3.46-acre wetland restoration area, 2.93 acres of uplands and 0.6 acres of flushing channels. (Regulation, staff contact: Ricardo Valera, ext. 6404).

#### **Recommended Action:**

**Approve the full release of a recorded conservation easement for a project known as Rick Case Vehicle Storage Expansion (Application No. 160408-17, Permit No. 06-04006-P).**

#### **Agenda Item Background:** Osceola County

RCID requests release of 0.5 acres of a recorded conservation easement to allow for infrastructure improvements. Mitigation consists of 1.5 acres of preservation at a location owned by RCID with greater ecological value. (Regulation, staff contact: Charles Walter, ext. 3824).

#### **Recommended Action:**

**Approve a partial release of a recorded conservation easement for a project known as Reedy Creek Improvement District (RCID) (Application No. 160901-6,**

**Permit No. 48-00714-P)**

**Agenda Item Background:** Seminole Tribe, Amend Work Plan

Under this amended work plan, the following activities are planned in the Hollywood Reservation: (Everglades Policy & Coordination, staff contact, Armando Ramirez, ext. 6684)

Proposal for the construction of two Class I Injection wells and one monitoring well at the wastewater treatment plant. The proposal has been reviewed with the cooperation of the Florida Department of Environmental Protection and the United States Environmental Protection Agency (EPA) and is being permitted by EPA.

**Recommended Action:**

**Concur with the First Amendment to the Twenty Eighth Annual Work Plan for the Seminole Tribe of Florida.**

16. Right of Way Occupancy New Permits (Field Operations & Land Management, staff contact, Karen Estock, ext. 6282)

**Agenda Item Background:** Miami-Dade County

A request by Miami-Dade County Parks, Recreation and Open Spaces Department (Application Number 13-0808-1) for issuance of Right of Way Occupancy Permit Number 14685 for the Biscayne Trail (Segment C) linear park within the east right of way of L-31E consisting of unimproved trail, safety fencing with gates, access gates, signage, and spur trails extending east on C-103 and C-102, each with a rest area consisting of benches, bike racks, a trash receptacle set on a concrete slab, and native tree plantings. The project is a new segment of the County's South-Dade Greenway Network trail system, previously permitted within other reaches of District rights of way.

**Recommended Action:**

**Approve a request by Miami-Dade County Parks, Recreation and Open Spaces Department (Application Number 13-0808-1) for issuance of Right of Way Occupancy Permit Number 14685.**

17. Release of Reservations (Real Estate, staff contact, Kathy Massey, ext. 6835)

**Agenda Item Background:**

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

Staff recommends consideration and approval of the following:

**Broward County**

- Release canal and road reservations, and issue non-use commitment for the Town of Davie (File Nos. 10-16-3, NUC 1717 and 18714) for 8.77 acres

**Miami-Dade County**

- Release canal reservations for John D. Burns and Blanca V. Burns, (File Nos. 10-16-2 and 18713) for 1.12 acres

- Release canal reservations for Sapphire Nurseries, LLC (File No. 10-16-4) for 19.35 acres
- Release canal reservations for 14500 Holdings, LLC (File Nos. 10-16-1 and 18711) for 8.28 acres
- Release canal, road and mineral reservations for Florida Power & Light Company (File Nos. 10-16-5 and 18716) for 238.70 acres; includes 40.0+/- acres to be released as to mineral reservations within Everglades National Park, to be conveyed to the United States of America, requiring a waiver of policy

**Palm Beach County**

- Release canal and road reservations for Victor Kweller, as Trustee (File No. 18715) for 0.11 acres
- Release canal reservations for Ronald David Simon (File No. 18712) for 10.0 acres
- Issue non-use commitments for Running D Ranch Corporation (File Nos. NUC 1714 and NUC 1718) for 24.57 acres

**Recommended Action:**

**Resolution No. 2016 - 1101 Approve release of canal, road and issuance of non-use commitments.**

18. Florida Power & Light Company conveyance of Utility Easement (Real Estate, staff contact, Kathy Massey, ext. 6835)

**Agenda Item Background:**

The District provides nature-based recreational activities on the DuPuis Management Area, which was acquired through the Save Our Rivers Program for conservation and water resource purposes. To facilitate and enhance public recreation on the property, an easement containing 0.20 +/- acre is being granted to Florida Power & Light Company to provide the necessary utilities for a new public restroom facility being constructed at the DuPuis Equestrian Campground.

**Recommended Action:**

**Resolution No. 2016 - 1102 Convey to Florida Power & Light Company a utility easement to provide electrical service to the District's DuPuis Equestrian Campground new public restroom facility.**

19. Release of a C-4 Canal Right of Way (Real Estate, staff contact, Kathy Massey, ext. 6835)

**Agenda Item Background:**

The Applicant has requested a release of 0.38 acre, more or less, of the C-4 canal right of way lying South of Lot 2, Block 29, Sweetwater Estates, Miami-Dade County, for residential purposes. The landowner has constructed a pool, pool deck, aluminum pool fence, carport, metal shed, gazebo and other existing backyard structures in the right of way area and this release will resolve some of the encroachments.

**Recommended Action:  
Resolution No. 2016 - 1103 Release right of way interests containing 0.38 acre, more or less, to the applicant at appraised value on the C-4 right of way, Section 2, Township 54 South, Range 39 East, Miami-Dade County, subject to satisfaction of certain terms, conditions and requirements.**

20. Cattle Grazing Lease, Garry Webb (Real Estate, staff contact, Ray Palmer, ext. 2246)

**Agenda Item Background:**

The District owns real property located in St. Lucie County, Florida, known as Cypress Creek/Trail Ridge, Encumbrance ID KE10E-059. The District purchased the property in May 2005. The specific property is located within the footprint of the CERP Indian River Lagoon-South Project. The District acquired the property for the Cypress Creek Complex Component to use the land for natural water storage, rehydration and habitat restoration. It is appropriate under these circumstances to continue the lease on the 557.20 acre property for cattle grazing. The revenues generated from this lease will assist Land Management in managing this and other District-owned lands.

At the time of acquisition of the property in 2005, the District accepted a lease assignment to continue cattle grazing. The lease assignment initially expired on May 12, 2010, but was amended and extended four times and expired on May 12, 2016, continuing on a month-to-month basis. The proposed 5<sup>th</sup> Amendment will be for a lease for cattle grazing extending the lease from its most recent expiration date of May 12, 2016 through a new expiration date of May 12, 2021. Annual rent will be calculated and adjusted each year based on the Leasing Policy market rent formula and land management requirements have been updated to reflect the current practices.

**Recommended Action:  
Resolution No. 2016 - 1104 Issue a 5-year cattle grazing lease extension to the existing Lease Agreement with Garry Webb on 557.20 acres, more or less in St. Lucie County.**

21. Cattle Grazing Lease, Pearce Cattle Company (Real Estate, staff contact, Ray Palmer, ext. 2246)

**Agenda Item Background:**

The District owns certain real property located in St. Lucie County, Florida, identified as Encumbrance ID KE10E-062. The District purchased the property in April 2005. It is located within the C-23/C-24 STA Component of the CERP Indian River Lagoon-South Project. The District acquired the land to provide water quality treatment and provide for diversion of flows from the middle estuary to the North Fork of the St. Lucie River. It is appropriate under these circumstances to continue the cattle grazing lease on the 234.83 acre property as an interim land management tool. The revenues generated from this lease will assist Land Management in managing this and other District-owned lands.

The Lease was awarded to Pearce Cattle Company on August 1, 2006 through a competitive bid process to allow cattle grazing. Pearce Cattle Company was the previous lease holder, which expired on July 31, 2016. A request for bid, 6000000773, for a new agricultural grazing lease with a 10-year term for the subject lands was issued July 7, 2016. Responsive bids were due August 10, 2016. The highest winning bid received was submitted by Matt Pearce, Pearce Cattle Company, in the annual amount of \$2,505.75. A line item deduction for the North St. Lucie River Water Control District's 298 assessment, as it is considered a lessee expense in the Bid.

**Recommended Action:**

**Resolution No. 2016 - 1105 Issue a 10-year cattle grazing lease agreement with Pearce Cattle Company on 234.83 acres, more or less in St. Lucie County. (Contract No. 4600003473)**

22. Convey 4.21 +/- acres to the U.S. National Park Service (Real Estate, staff contact, Marcy Zehnder, ext. 6694)

**Agenda Item Background:**

In June 2008, the District's Governing Board approved an agreement with Florida Power & Light Company (FPL) to facilitate the relocation of FPL's transmission line corridor from the interior of Everglades National Park (ENP) to the eastern edge of ENP Expansion Area. The National Park Service (NPS) and the Florida Department of Environmental Protection (FDEP) both entered into similar agreements with FPL.

When confirming their ownership of the land along the eastern boundary of ENP Expansion Area, NPS found that they did not own a 4.21 +/- acre parcel of land and that the District is the owner. The District-owned parcel is within the relocated transmission line corridor that NPS must convey to FPL in fee title. NPS has requested that the District convey the parcel at no cost, so that they can comply with the terms and conditions of their existing agreement with FPL and continue to secure all ownership of the lands within the boundary of the ENP Expansion Area.

**Recommended Action:**

**Resolution No. 2016 - 1106 Declare surplus land interests containing 4.21 acres, more or less, in fee, being a portion of Section 23, Township 54 South, Range 38 East, Miami-Dade County, L-31N Project; authorize the donation of said property to the United States of America for inclusion in Everglades National Park.**

23. Access Agreement with Walt Disney Parks and Resorts U.S., Inc. (Marcy Zehnder, staff contact, ext. 6694)

**Agenda Item Background:**

The District is seeking to enter into an agreement with Walt Disney Parks and Resorts U.S., Inc. (Disney). The access agreement will allow the District to enter onto Disney owned property located in Sections 22, 23 and 27, Township 24 South, Range 27 East, Orange County, to access an existing well located on adjacent property owned by Reedy Creek Improvement District. The term of the access agreement is 10-years. The agreement can be terminated upon sixty-days written notice by either party. Disney may require the District to remove/or relocate the equipment in the future at the District's expense.

**Recommended Action:**

**Resolution No. 2016 - 1107 Accept an access agreement, from Walt Disney Parks and Resorts U.S., Inc., at no cost, to access an existing monitoring well located on adjacent property owned by Reedy Creek Improvement District in Sections 22, 23 and 27 , Township 24 South, Range 27 East, Orange County.**

24. Access Agreement with Reedy Creek Improvement District (Real Estate, staff contact, Marcy Zehnder, ext. 6694)

**Agenda Item Background:**

The District is seeking to enter into an agreement with Reedy Creek Improvement District (RCID). The access agreement will allow the District to maintain, access and collect data from an existing Floridan aquifer well, or re-install it in the future, on RCID owned property located in Section 23, Township 24 South, Range 27 East, Orange County. The District and the RCID have agreed upon the terms and conditions of the access agreement, and the location of the equipment. In exchange for the use of the property and access thereto, the District will make the collected data available to RCID. The term of the access agreement is 10-years. The agreement can be terminated upon sixty-days written notice by either party. RCID may require the District to remove/or relocate the equipment in the future at the District's expense.

**Recommended Action:**

**Resolution No. 2016 - 1108 Accept an access agreement, at no cost, to maintain, access and collect data from an existing monitoring well, or re-install it in the future, on property owned by Reedy Creek Improvement District in Section 23, Township 24 South, Range 27 East, Orange County.**

25. Communications Tower Antenna Space Lease Agreement (Information Technology, staff contact, Duane Piper, ext. 2638)

**Agenda Item Background:**

The District owns and maintains more than sixty communications towers throughout its boundaries. These towers present a leasing opportunity for telecommunications use. This is a proposal to enter into an agreement with ATC Managed Sites, LLC to lease space for radio operation rights on the District's communication towers for a 10-year period with two 1-year renewal options. This is a piggyback procurement from the Florida Department of Transportation agreement with ATC Management Sites, LLC. Compensation to the District shall be a percentage of gross revenues from the use of the space leased.

**Recommended Action:**

**Resolution No. 2016 - 1109 Consider Authorization to enter into an agreement with ATC Management Sites, LLC for commercial wireless telecommunications for 10-years, with two 1-year renewal options. (Contract No. 4600003580)**

26. 5-Year Cost Share Agreement with US National Park Service (Water Resources, staff contact, Kim Hanes, ext. 4749)

**Agenda Item Background:**

District staff is seeking approval to enter into a 5-year cost share agreement with the U. S. National Park Service (NPS). This agreement with NPS will provide support for the collection of surface water samples at interior marsh sampling sites within Everglades National Park (ENP) and continuous physiochemical and meteorological monitoring data from a marine monitoring network (MMN) situated in the adjacent ENP coastal region.

This agreement has the primary objectives to obtain water quality data to comply with monitoring requirements outlined in the Federal Everglades Settlement Agreement and the State Phosphorus Rule, and to collaborate on water resource monitoring within ENP and adjacent coastal regions. The initial cost-share agreement originated on October 1, 2001, has been extended every five years since then.

**Recommended Action:**

**Resolution No. 2016 - 1110 Enter into 5-year cost-share agreement with the U.S. National Park Service for the collection of surface water from interior marsh sampling sites within Everglades National Park and physiochemical and meteorological data from the associated marine monitoring sites in the national park coastal areas in an amount not to exceed \$984,250, for which \$196,850 is budgeted in fiscal year 2017, and the remainder is subject to governing board approval of the fiscal year 2018-2021 budgets. (Contract No. 4600003547)**

27. Publication of a Notice of Rule Development (Water Resources, staff contact, Terrie Bates, ext. 6952)

**Agenda Item Background:**

During the rulemaking effort to reserve water for the Caloosahatchee River (C-43) West Basin Storage Reservoir Project (C-43 Reservoir), the District included language stating: "all presently existing legal uses of water shall be protected so long as such use is not contrary to the public interest." The inclusion of this language was challenged in DOAH Case No. 14-1329RP. The administrative law judge (ALJ) determined the language was invalid, stating that "[e]xisting legal uses are presumed not contrary to the public interest unless and until the District determines otherwise." The ALJ went on to state that while the District "can make a 'not contrary' determination," it cannot do so prospectively for the duration of a permit.

Language similar to that found to be invalid in the C-43 Reservoir reservation case exists in the water reservations for Picayune Strand, Fakahatchee Estuary, North Fork of the St. Lucie River, and Nearshore Central Biscayne Bay, in subsections 40E-10.041(1) and (2), 40E-10.051, and 40E-10.061(2), F.A.C., respectively. Therefore, rulemaking is necessary to delete the language to be consistent with the ALJ's order.

**Recommended Action:**  
**Publish a Notice of Rule Development in the Florida Administrative Register to revise portions of Chapter 40E-10, Florida Administrative Code, Water Reservations, deleting language found invalid by an administrative law judge in DOAH Case No. 14-1329RP and authorize publication of a Notice of Proposed Rule, provided no requests for workshops are received.**

28. Amend Grant Funding for the C-43 Water Quality Treatment and Testing Facility project (Everglades Policy & Coordination, staff contact, Stacey Ollis, ext. 2039)

**Agenda Item Background:**

In December 2014, the District was awarded Clean Water Act funding for construction and implementation of the C-43 Water Quality Treatment and Testing Facility Project - Phase I. An additional Grant Proposal was submitted in March 2015, and the project was awarded additional grant funding. As a result of the recent award, staff proposes to modify the multi-year cost-share grant agreement with the Florida Department of Environmental Protection to reflect an amount not-to-exceed \$436,000, of which the District contribution is \$228,000. The amended agreement total will be \$2,131,985, of which the District's total contribution is \$1,098,985, for which funds are budgeted.

**Recommended Action:**  
**Resolution No. 2016 - 1111 Amend a multi-year cost-share agreement with the Florida Department of Environmental Protection to provide the District with pass-through federal funding from the Clean Water Act Section 319 Grants for the C-43 Water Quality Treatment and Testing Facility Project – Phase I, in an amount not-to-exceed \$436,000, of which the District contribution is \$228,000, for an amended agreement total of \$2,131,985, of which the District total contribution is \$1,098,985, for which funds are budgeted. (Contract No. 4600003299-A02)**

29. Inspector General Reports (Office of Inspector General, staff contact, Tim Beirnes, ext. 6398)

**Agenda Item Background:** The Audit and Finance Committee Charter provides for the Board's review and approval of audit reports.

**Recommended Action:**  
**Approve Inspector General's Audit Reports; The Audit of Bid Solicitation and Award Process, Audit of Procuring Professional Engineering Services for Restoration Projects, and Audit of Investment Management.**

30. Central Florida Water Initiative Steering Committee project determination (Executive Office, staff contact, Len Lindahl, ext. 6283)

**Agenda Item Background:**

This item is to concur with the Central Florida Water Initiative (CFWI) Steering Committee's determination of projects that should be considered for encouragement of legislative funding. The 2015 CFWI Regional Water Supply Plan (RWSP) was approved in November 15, 2015. Among others, the RWSP developed and evaluated specific project options for the region. One of the 2020 CFWI Guiding Principles is "encourage funding for regional strategies necessary to achieve the objectives of the CFWI." Project options for encouragement of legislative funding during the FY2017 session for release in 2017-2018 was conducted. Three projects were selected by the Steering Committee for encouragement of legislative funding during the FY2017-2018 legislative session: Judge Farm Reservoir and Impoundment (\$7,876,500), Southeast Polk County Wellfield (\$450,000) and Cypress Lake Wellfield (\$2,350,000).

**Recommended Action:**

**Resolution No. 2016 - 1112 Concur with the Central Florida Water Initiative Steering Committee's determination of regional projects for encouragement of legislative funding.**

31. Board Vote on Consent Agenda

32. Board Comment

**Discussion Agenda**

33. Technical Reports

A. Water Conditions Report - John P. Mitnik, Chief Engineer, Operations, Engineering & Construction (ext. 2679)

- Indian Trails Improvement District Berm Breach Repairs - Tom DeBold, Bureau Chief, Field Operations (ext. 2124)

B. Ecological Conditions Report - Terrie Bates, Division Director, Water Resources (ext. 6952)

34. Update on Implementation of Restoration Strategies Plan - Ernie Marks, Division Director, Everglades Policy & Coordination (ext. 6993)

**Agenda Item Background:**

Restoration Strategies is Florida's \$880 million capital improvement plan designed to reduce phosphorus levels in flows currently entering the Everglades from the District's Stormwater Treatment Areas (STAs) to levels necessary to achieve the State's water quality criterion for phosphorus. The plan includes construction of a suite of storage, conveyance and water quality improvement projects that will work in conjunction with the existing STAs. This presentation will provide an overview of the Restoration Strategies plan, summarize historical STA data and provide the current status of design, construction and operations of the plan components.

35. Water Year 2016 - Southern Everglades Water Quality Overview - Stuart Van Horn, Bureau Chief, Water Resources (ext. 6628)

**Agenda Item Background:**

This presentation provides an overview of the total phosphorus requirements and trends for the Southern Everglades with updated data through Water Year 2016,

along with a contrast of current and historic conditions. The information contained in this presentation is published in a consolidated annual report which summarizes progress with restoration efforts and water quality conditions throughout the South Florida Ecosystem in keeping with statutory reporting requirements. The current annual report (South Florida Environmental Report 2017) is available to the public in draft form and provides an update on such progress.

36. Alternative Water Supply Pilot Project; SB552 - Len Lindahl, Assistant Executive Director (ext. 6283)

**Agenda Item Background:**

Section 373.037, Florida Statutes, provides the option for the water management districts to take the lead in developing and implementing one alternative water supply project within a restricted allocation area as a pilot alternative water supply development project. A summary of the statutory provisions and results of a general request for project proposals will be presented. Staff will provide proposed project evaluation criteria for Board input and consideration.

37. Cost Share Agreement with Collier County, Haldeman Creek Weir (Everglades Policy & Coordination, staff contact, Rod Braun, ext. 2925)

**Agenda Item Background:**

Since 2006, the District has provided financial assistance to local governments within the Big Cypress Basin (BCB) for flood protection, water quality improvement, natural system restoration, and alternative water supply projects that meet objectives of the BCB Strategic Plan and/or Lower West Coast Water Supply Plan. The water control structure on Haldeman Creek, located in Collier County, is in need of replacement. The current condition of this coastal structure results in poor drainage and salt water intrusion during seasonal high tides. Collier County has requested financial assistance for replacement of the Haldeman Creek Weir. Replacement of the aging structure will improve structure functionality and prevent salt water intrusion. District staff is seeking approval to enter into a 12-month cost share agreement with Collier County in an amount not to exceed \$800,000 or 40% of eligible expenses.

**Recommended Action:**

**Resolution No. 2016 - 1113 Enter into a 12-month agreement with Collier County in an amount not to exceed \$800,000 or 40% of eligible expenses, whichever is less, for replacement of the Haldeman Creek Weir, subject to approval by the Collier County Board of County Commissioners, for which dedicated Big Cypress Basin ad valorem funds are budgeted. (Contract No. 460003476)**

38. 20-Year Lease to the University of Florida-IFAS (Real Estate, staff contact, Ray Palmer, ext. 2246)

**Agenda Item Background:**

The District owns property in Glades County, identified as Tract KC10E-009, and consisting of 260 acres. The Property is located within the footprint of the C-43 Water Quality Treatment & Testing Facility Project. The District acquired approximately 1,773 acres in January 2008 to implement a water quality treatment and testing facility within the Caloosahatchee River (C-43) Watershed upstream of the S-79 structure to help address the removal of nutrients and suspended solids. At the time of acquisition, the District committed to Glades County to surplus a portion of the acquisition. When approached by UF-IFAS to not surplus the property but to consider

leasing it for citrus and water quality research, Glades County agreed that the District should try to negotiate a lease agreement with UF-IFAS rather than offer the property for sale.

The properties offered for lease are agricultural lands with a mixture of active and vacant citrus land. It is appropriate to lease a 260 acre property for water quality and citrus research. There will be no revenues generated from this lease. However, the lessee will share beneficial water quality research data with the District and the research will benefit and be supported by the agricultural industry.

**Recommended Action:**

**Resolution No. 2016 - 1114 Issue a 20-year lease for approximately 260 acres in Glades County, with the University of Florida Board of Trustees, on behalf of its Institute of Food and Agricultural Sciences, and rescind Resolution No. 2015-0515 which declared this property as surplus. (Contract No. 4600003576)**

39. Declare Surplus the “Pero Property” in Palm Beach County (Real Estate, staff contact, Ray Palmer, ext. 2246)

**Agenda Item Background:**

The Governing Board directed staff to analyze the options for disposal of District land including land interest, commonly referred to as the Pero Property. This property Tract W9100-176, which is 570.77 acres, more or less, of which the District owns a 60.6 percent interest, and Tract W9100-177 containing 10.47 acres, more or less, of which the District owns 100 percent interest, both located in Palm Beach County, and hereinafter referred to as the “Tracts.” The District and Palm Beach County (the “County”) entered into an Interlocal Agreement on June 6, 2000 requiring the consent of both parties and the US Department of Interior prior to selling or conveying the Tracts. A letter from the Department of Interior to the District that summarily supports the transfer of the Department of Interior’s encumbrances is included in the Governing Board supporting documents. The County plans to consider surplus and sale of the 570.77 Tract in December 2016. The proceeds from the sale of Tracts will be divided between the District and the County at the same percentage as the ownership based on an appraisal. The property transfer will be subject to a perpetual agricultural conservation easement for equivalent legal description. District staff recommends the Tracts be declared surplus, without reservation of phosphate, minerals, metals and petroleum under Section 270.11, Florida Statutes and be offered to the public for bid to be sold for the highest price obtainable, but not less than the greater of \$10,000,000 or the combined appraised values of the Tracts.

**Recommended Action:**

**Resolution No. 2016 - 1115 Declare surplus lands commonly known as the Pero Property, in Palm Beach County. This 581.24 acre property is comprised of two tracts. Tract one is 570.77 acres, more or less, of which the District owns a 60.6 percent interest. Tract two is 10.47 acres, more or less, of which the District owns 100 percent. The property will be sold without reservations of interest under Section 270.11, Florida Statutes; however, it will have a perpetual agricultural conservation easement.**

**The property will be offered to the public for bid to be sold for the highest price obtainable but not less than the appraised value.**

40. Water Farm Contract, Caulkins Citrus Company, Ltd. (Everglades Policy & Coordination, staff contact, Eva Velez, ext. 6672)

**Agenda Item Background:**

As part of the 2016-2017 Florida Legislative session, the Legislature identified approximately \$48 million for the construction of Northern Everglades Public Private Partnerships (NE PPP). The NE PPPs were identified by the Florida Department of Environmental Protection (FDEP) as projects that would aid in meeting the goals of the Basin Management Action Plans established for the Northern Everglades and its estuaries. District staff, at the request of FDEP and as a coordinating agency under the Northern Everglades and Estuaries Protection Program, request authorization to enter into Contract No. 46000003437 with Caulkins Citrus Company, Ltd., located in Martin County, for the Caulkins Water Farm Expansion Project (a NE PPP project) for a term of 11-years. The contract term consists of one year of construction and 10 years of operation. The cost of construction is \$7,446,179.94, for which funds appropriated under State Appropriation 1590A are budgeted in Fiscal Year 2016-2017. Payment for services will be an annual fixed amount of \$5,500,000 for up to 80,000 acre-feet of net water quantity benefit. Payment for services are solely dependent on future legislative funding and no ad valorem funds are proposed for this project.

**Recommended Action:**

**Resolution No. 2016 - 1116 Enter into Contract No. 46000003437 with Caulkins Citrus Company, Ltd. for the Caulkins Water Farm Expansion Project for a term of 11-years at a cost of \$62,446,179.94, of which \$7,446,179.94 is provided by the Florida Legislature and budgeted in Fiscal Year 2016-2017 and the remainder is solely dependent on future legislative funding. It also requires Governing Board approval of Fiscal Year 2017-2018 through Fiscal Year 2028-2029 budgets.**

41. Legislative Appropriations for C-51 Reservoir Agreements with the Florida Department of Environmental Protection and Palm Beach Aggregates, LLC (Executive Office, staff contact, Len Lindahl, ext. 6283)

**Agenda Item Background:**

The Florida Legislature appropriated \$500,000, from the Grants and Aids to Local Governments and Non-State Entities, Fixed Capital Outlay during the Fiscal Year 2014-2015 through the General Appropriations Act 1627B. The Florida Legislature has appropriated a total of \$2,000,000, from the Grants and Aids to Local Governments and Non-State Entities, Fixed Capital Outlay during the Fiscal Year 2016-2017 through the General Appropriations Act 1590B - C-51 Reservoir Implementation from General Revenue Fund.

The C-51 Reservoir North Conveyance project is a component of the C-51 Reservoir Implementation Water Supply Project. Palm Beach Aggregates, LLC will design and construct the North Conveyance project and will own and maintain the associated infrastructure. Upon completion of the entire C-51 Reservoir Implementation project,

Palm Beach Aggregates, LLC will turn the project over to the C-51 Not for Profit.

Staff is seeking approval of the Resolution authorizing the District to enter into a grant agreement with the Florida Department of Environmental Protection; and to enter into an agreement with Palm Beach Aggregates, LLC, for the design and construction of the C-51 North Conveyance project, a component to the C-51 Reservoir Implementation Project.

**Recommended Action:**

**Resolution No. 2016 - 1117 Enter into a grant agreement with the Florida Department of Environmental Protection and authorize the Executive Director or Designee to execute a grant agreement and to submit reimbursement requests, in the amount of \$2,500,000, as funded by the Florida Legislature in the General Appropriations Act Fiscal Year 2014-15 1627B and Fiscal Year 2016-17 1590B (Contract No. 4600003582); and enter into an agreement with Palm Beach Aggregates, LLC for the North Conveyance, a component of the C-51 Reservoir Implementation Project, at no cost to the District. (Contract No. 4600003583)**

42. Contract with L. J. Clark Construction, Inc., for the S72 and S75 project (Operations, Engineering and Construction, staff contact, Alan Shirkey, ext. 2579)

**Agenda Item Background:**

During the inspection of the S72 and S75 spillway structures in Glades County, District staff observed concrete deterioration and exposed rebar on the spillway walls and weir. Based on these observations, refurbishment of the S72 and S75 spillway structures in the Indian Prairie Basin was recommended to support the continued operation of these structures. The project includes repair of spalled concrete, replacement of gates, recoating of wing walls, adding steel plating on the weir crest and along the corners of the gate recesses, installing new hand and guard rails, adding staff gauges/stilling wells and any other structure-specific deficiencies identified. This work will strictly address repair and maintenance issues and will not change the level of service, intent or operations plan of the original structures.

**Recommended Action:**

**Resolution No. 2016 - 1118 Enter into a 950-day contract with L. J. Clark Construction, Inc., the lowest responsive and responsible bidder, for the S72 and S75 Structure Refurbishment Project, in the amount of \$6,264,100, for which \$1,000,000 is budgeted in the Fiscal Year 2016-2017, and the remainder is subject to Governing Board approval of future years' budgets. (Contract number 4600003591)**

43. General Public Comment

## **Staff Reports**

44. Monthly Financial Report - Dorothy Bradshaw
45. General Counsel's Report - Brian Accardo
46. Executive Director's Report - Peter Antonacci
47. Board Comment
  - Consideration of guiding principles with respect to the contract with U.S. Fish and Wildlife Service to manage lands owned by the District.
48. Adjourn

*Members of the public wishing to address the Governing Board on agenda items which require a vote are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chairman or designee to speak. Governing Board policy limits comments from the public to 3 minutes unless otherwise determined by the Governing Board Chairman. Your comments will be considered by the Governing Board prior to adoption of the Consent Agenda. Unless otherwise determined by the Chairman, Board action on Consent Agenda items moved to the discussion agenda will occur at or after 9:00 a.m. on Thursday.*