



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

December 8, 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
 - December Employee of the Month: Colin Saunders, Lead Scientist, Water Resources Division
 - December Team of the Month: Coastal Ecosystems - Caloosahatchee River Estuary Science Symposium Team
4. Agenda Revisions - Tia Barnett, Director, Board & Executive Services
5. Abstentions by Board Members from items on the Agenda
6. Water Resources Advisory Commission (WRAC) Report - Jim Moran, Chair
7. Project & Lands Committee Report - Melanie Peterson, Chair
8. Consider Approval of the Minutes for the November 10th Governing Board meeting

Consent Agenda

9. Public Comment on Consent Agenda
10. Move Consent Agenda Items to Discussion Agenda
11. Board Comment on Consent Agenda

12. Waivers for Water Resource Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes
13. Regulatory Consent Items

Conservation Easements and Releases

Agenda Item Background: Lee County

Lee County School Board requests release of 3.46 acres from a recorded conservation easement, to allow for use of the released area as an environmental learning laboratory for students at the LLL High School. The release parcel was not required as mitigation. No wetland impacts are proposed as part of this application; however, the area is considered secondarily impacted and mitigation is proposed through enhancement of 9.72 acres of the remaining conservation easement. (Regulation, staff contact: Melissa Roberts, ext. 7795)

Recommended Action:

Approve the partial release of a recorded conservation easement for a project known as LLL High School (Application No. 161103-9. Permit No. 36-08695-P).

Agenda Item Background: Miami-Dade County

The property owner, Treo Kingman, LLC, requests a full release of the 1.70 acre conservation easement for Mercedes Homes-Homestead planned unit development (P.U.D.) project. The easement is associated with a project that was not built. The Environmental Resource Permit associated with that project has expired. The current land use is agriculture. (Regulation, staff contact: Ricardo Valera, ext. 6404)

Recommended Action:

Approve the full release of a conservation easement for a project known as Mercedes Homes-Homestead P.U.D. (Application No. 060512-3, Permit No. 13-03078-P).

Agenda Item Background: Palm Beach County

Jupiter Farms Baptist Church requests a 0.28 acre partial release of a conservation easement to construct an adjacent soccer field. The area to be released is part of the upland buffer and was not required as mitigation. The applicant is installing a fence and signs to compensate for the reduction in buffer width. A total of 1.07 acres will remain preserved under the recorded easement. (Regulation, staff contact: Ricardo Valera, ext. 6404)

Recommended Action:

Approve the partial release of a recorded conservation easement for a project known as Jupiter Farms Baptist Church (Application No. 161103-11, Permit No. 50-04940-P).

14. Right of Way Occupancy Modification to Permit (Field Operations & Land Management, staff contact, Karen Estock, ext. 6282)

Agenda Item Background: Miami-Dade County

The City of Sweetwater (Application Number 16-0803-1M) requests a modification of Right of Way Occupancy Permit 14313 for installation of landscaping, pavers, low level lighting, campus information sign and security/call station and waiver of the District's criteria for planter/benches associated with the "North Plaza" within the north right of way of C-4 and within the 40 foot setback requirement as measured from the top of bank.

**Recommended Action:
Approve request by the City of Sweetwater (Application
Number 16-0803-1M) for modification of Right of Way
Occupancy Permit 14313.**

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

Agenda Item Background:

The District has 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 represent clouds on title. Applications are reviewed by appropriate District staff and applicable local governmental agencies to determine that there is no present or future need for the reservations.

Staff Recommendation:

Staff recommends approval of the following:

Broward County

- Release canal and road reservations, and issue non-use commitment for Toledo Isle Apartments, LLC (File Nos. 11-16-1, 18718 and NUC 1720) for 9.52 acres
- Release canal and road reservations and issue non-use commitment for Klemow at 5100 Hillsboro, LLC (File Nos. 18719 and NUC 1721) for 4.73 acres
- Release canal and road reservations, and issue non-use commitment for McNab Commercial Center No. 1, LLC (File Nos. 18717 and NUC 1719) for 0.51 acre
- Release canal reservations for Duke Realty Lane, LLC (File Nos. 11-16-5 and 18724) for 0.50 acre
- Release canal reservations for Rhino Sky Investments, LLC (File Nos. 11-16-3) for 3.44 acres

Miami-Dade County

- Release canal reservations for South Florida Autism Charter Schools, Inc. (File Nos. 11-16-2) for 4.99 acres
- Release canal and road reservations for George Meroni and Martha E. Meroni and Scott Johnson and Amy E. Johnson (File No. 18720) for 7.88 acres

Palm Beach County

- Release canal reservations and issue non-use commitment for Ronald Kendall and Karen Kendall (File Nos. 18721 and NUC 1723) for 3.94 acres
- Release canal and mineral reservations for Palm Beach County (File No. 18723) for 0.02 acre
- Release canal reservations and issue non-use commitment for Abdul R. Khan and Khudnatoon Khan (File Nos. 18725 and NUC 1724) for 39.50 acres

Recommended Action:

Resolution No. 2016-1201 Approve release of canal, road and mineral reservations, and issue non-use commitments.

16. Surplus Road Right of Way to the City of Weston (Real Estate, staff contact, Marcy Zehnder, ext. 6694)

Agenda Item Background:

The District and the City of Weston entered into an agreement whereby the City of Weston donated 290.42 +/- acres of their land interests located within the Broward County Water Preserve Area (Project) boundary to the District. The City of Weston also agreed to formally vacate two public road right of ways located within the Project.

S.W. 36th Street is one of the roads to be abandoned. At the future west terminus of S.W. 36th Street, the City of Weston will be constructing a cul-de-sac, which will allow a safe turnaround for the public and emergency vehicles. A portion of the cul-de-sac will be located on an adjacent parcel owned by the District which is located outside the boundary of the Project. The City of Weston has requested the District to convey the road right of way for the cul-de-sac, which contains 0.49 +/- acre.

Recommended Action:

Resolution No. 2016-1202 Surplus and donate 0.49 acre, more or less, to the City of Weston for road right of way purposes, located in Section 23, Township 50 South, Range 39 East, Broward County.

17. Purchase a permanent easement containing 0.095 acre, more or less, C-4 Canal, Miami-Dade County. (Real Estate, staff contact, Marcy Zehnder, ext. 6694)

Agenda Item Background:

The District is currently making improvements to the C-4 right of way under a current construction project known as the C-4 Canal Bank Improvements and Flood Berm Project. The District must acquire additional easement rights from 12 landowners within the Palmetto Phase of the project. The current easements on these properties do not allow for construction or excavation by the District. Offers to purchase the needed additional easement rights have been made to the landowners, and staff has been negotiating with responsive landowners.

The owner of Tract 31100-121 has agreed to sell his easement at a price of \$15,550, plus \$750 in attorney's fees; the appraised value of the tract is \$13,000. Having reviewed the offer, staff considers it acceptable.

Recommended Action:

Resolution No. 2016-1203 Purchase a permanent easement containing 0.095 acre, more or less, C-4 Canal, Miami-Dade County.

18. Surplus Lands in Hendry County (Real Estate, staff contact, Ray Palmer, ext. 2246)

Agenda Item Background:

In 2013, the Governing Board directed staff to analyze options for disposal of certain lands. Tract 34100-093 containing 24.71 acres, more or less, located in Hendry County, was included in the Board's direction. The Tract was originally acquired for the U.S. Army Corps of Engineers (USACE) for use as a spoil dredge site in connection with the widening of the Caloosahatchee River. The USACE no longer requires use of this site for collection of spoil/dredge material. Staff further analyzed the options for disposal of the Tract, obtained an ecological assessment, and conducted a public meeting on December 7, 2016, regarding the surplus and sale of the Tract. The ecological assessment did not identify any matters of concern. An appraisal values the Tract at \$210,000. It is

appropriate at this time for the Tract to be declared surplus, without reservation of phosphate, minerals, metals and petroleum and be offered to the public for bid to be sold for the highest price obtainable, but in no event less than appraised value.

Recommended Action:

Resolution No. 2016-1204 Declare surplus lands in Hendry County containing 24.71 acres, more or less. The property will be sold without reservations of interest under Section 270.11, Florida Statutes; 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.

Agenda Item Background:

In 2013, the Governing Board directed staff to analyze options for disposal of certain lands. Tract 34100-067 containing 26.95 acres, more or less, located in Hendry County was included in the Board's direction. The Tract was originally acquired for the U.S. Army Corps of Engineers (USACE) for use as a spoil dredge site in connection with the widening of the Caloosahatchee River. The USACE no longer requires use of this site for collection of spoil/dredge material. Staff further analyzed the options for disposal of the Tract, obtained an ecological assessment, and conducted a public meeting on December 7, 2016, regarding the surplus and sale of the Tract. The ecological assessment did not identify any matters of concern. An appraisal values the Tract at \$229,000. It is appropriate at this time for the Tract to be declared surplus, without reservation of phosphate, minerals, metals and petroleum and be offered to the public for bid to be sold for the highest price obtainable, but in no event less than appraised value.

Recommended Action:

Resolution No. 2016-1205 Declare surplus lands in Hendry County containing 26.95 acres, more or less. The property will be sold without reservations of interest under Section 270.11, Florida Statutes; 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.

Agenda Item Background:

In 2013, the Governing Board directed staff to analyze options for disposal of certain lands. Tract 34100-066 containing 40.14 acres, more or less, located in Hendry County was included in the Board's direction. The Tract was originally acquired for the U.S. Army Corps of Engineers (USACE) for use as a spoil dredge site in connection with the widening of the Caloosahatchee River. The USACE no longer requires use of this site for collection of spoil/dredge material. Staff further analyzed the options for disposal of the Tract, obtained an ecological assessment, and conducted a public meeting on December 7, 2016, regarding the surplus and sale of the Tract. The ecological assessment did not identify any matters of concern. An appraisal values the Tract at \$341,000. It is appropriate at this time for the Tract to be declared surplus, without reservation of phosphate, minerals, metals and petroleum and be offered to the public for bid to be sold for the highest price obtainable, but in no event less than appraised value.

Recommended Action:

Resolution No. 2016-1206 Declare surplus lands in Hendry County containing 40.14 acres, more or less. The property will be sold without reservations of interest under Section 270.11, Florida Statutes; 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.

19. Purchase 1.25 acres in the Shingle Creek Project in Orange County. (Real Estate, staff contact, Marcy Zehnder, ext. 6694)

Agenda Item Background:

The District is acquiring land from willing sellers in the Shingle Creek Project in Orange County. The District was contacted by a property owner within the project boundary desiring to sell 1.25 acres. The property owner has agreed to sell the tract for the appraised value of \$42,500. An environmental audit is being conducted and the District will have the right to terminate the Agreement for Sale & Purchase, if necessary, based on the results of the audit.

Recommended Action:

Resolution No. 2016-1207 Purchase 1.25 acres, more or less, in fee simple, in the Shingle Creek Project in Orange County.

20. Amend the New Hope Sugar Company and Closter Farms, Inc. Lease Agreement on 4,604 acres in Palm Beach County. (Real Estate, staff contact, Ray Palmer, ext. 2246)

Agenda Item Background:

The District operates Stormwater Treatment Area 1 West (STA-1W) in western Palm Beach County. The STA-1W Expansion Project is a critical component of the District's Restoration Strategies Regional Water Quality Plan to meet State Water Quality Standards in the Everglades Protection Area. On April 21, 2014, the District acquired approximately 4,604 acres in Palm Beach County (Premises) for the Project. As part of the acquisition transaction, the Premises were leased to New Hope Sugar Company and Closter Farms, Inc. under a Lease Agreement that terminates on February 1, 2017. The commencement of the Project construction work involves conducting earth preparation including copper soil inversion work. A lease amendment between the District, New Hope Sugar Company and Closter Farms, Inc., is necessary to provide the District with access to the Premises prior to the lease termination date in order to commence the copper soil inversion work.

Recommended Action:

Resolution No. 2016-1208 Amend the Lease Agreement with New Hope Sugar Company and Closter Farms, Inc. on 4,604 acres, more or less in Palm Beach County. (Contract No. 4600003057)

21. Issue 5-year lease extensions for Travis Brown; Randy Fulford; Old River Cattle Company, LLC; and Ru-Mar, Inc. on 17,518.34 acres in Martin County. (Real Estate, staff contact, Ray Palmer, ext. 2246)

Agenda Item Background:

The District owns property in Martin County known as Allapattah A, B, C and D. The property was purchased in March 2002 and May 2005 and is located within the footprint of the CERP Indian River Lagoon-South Project. The District acquired the property for the Allapattah Complex Component for natural water storage, rehydration and habitat restoration. It is appropriate at this time to continue the leasing of the property for cattle grazing as an interim land management tool. The revenues generated from this lease will assist Land Management in managing this and other District-owned lands.

Allapattah A, B and D were awarded through a competitive Bid Process and Allapattah C was awarded through a Request for Proposal on the property on September 1, 2005. The leases expired August 31, 2016 and have continued on a month to month basis. Based on the satisfactory

performance of all Lessee(s) and their good standing, the proposed amendment will be for a cattle grazing lease extension to August 31, 2021. Annual rent will be calculated and adjusted each year based on the Cattle Grazing Formula.

Lessee	Contract	Acreage	1st Year Anticipated Revenue
Old River Cattle Co., LLC	LS051080	2,892.34	\$57,180.00
Travis Brown	LS051081	7,651.20	\$121,507.50
Ru-Mar, Inc.	LS040998	6,135.30	\$55,693.32
Randy Fulford	LS051082	839.50	\$16,010.40

Recommended Action:
Resolution No. 2016-1209 Issue 5-year cattle grazing lease extensions to Old River Cattle Company, LLC; Travis Brown; Ru-Mar, Inc.; and Randy Fulford in Martin County.

22. Issue 10-year cattle grazing leases to Brewer Cattle Co., LLC; Clark Cattle Co., LLC; Circle P. Cattle; and Midnight Cattle, LLC in St. Lucie County (Real Estate, staff contact, Ray Palmer, ext. 2246)

Agenda Item Background:

The District owns property located in St. Lucie County which was purchased in May 2004 and December 2007. The property is located within the footprint of the CERP Indian River Lagoon-South Project. The District acquired the property for the C-23/C-24 North and South Components to capture local run-off from the C-23 and C-24 Basins for flow attenuation to the St. Lucie River Estuary. It is appropriate at this time to lease the property for cattle grazing as an interim land management tool. The revenues generated from the leases will assist Land Management in managing this and other District-owned lands.

The leases went through a competitive Bid Process for new agricultural grazing leases with a 10-year term. Annual rent will be calculated and adjusted each year based on the Cattle Grazing Formula. The resulting Responsive and Responsible Bidders are as follows:

Lessee	Contract	Acreage	1st Year Anticipated Revenue
Brewer Cattle Co., LLC	4600003596	1,002.05	\$27,205.97
Clark Cattle Co., LLC	4600003598	449.29	\$11,289.00
Circle P. Cattle	4600003597	534.40	\$16,748.91
Midnight Cattle, LLC	4600003599	317.81	\$9,135.61

Recommended Action:
Resolution No. 2016-1210 Issue 10-year cattle grazing leases to Brewer Cattle Co., LLC; Clark Cattle Co., LLC; Circle P. Cattle; and Midnight Cattle, LLC in St. Lucie County

23. Palm Beach County lease of office space at Building-2 Facility in West Palm Beach (General Services, staff contact, Michael Hiscock, ext. 2526)

Agenda Item Background:

Office space at District headquarters in West Palm Beach has been reorganized providing a lease opportunity of 19,818 square feet on the third floor of the B-2 building. Palm Beach County is interested in leasing space for occupancy by Palm Beach County employees for a period of 3-years with two 1-year renewal options.

**Recommended Action:
Resolution No. 2016-1211 Enter into a 3-year contract with
Palm Beach County for lease space in a revenue amount of
\$913,374. (Contract No. 4600003578)**

24. North Shore Trash Rakes S-129/S-131 project contract, Change Order 4 to Contract No. 4600002858 with D.N. Higgins, Inc. (Operations, Engineering and Construction, staff contact, John P. Mitnik, ext. 2679)

Agenda Item Background:

The S-129/S-131 Trash Rakes construction contract is nearing completion. Construction activities revealed that the bypass culverts and associated appurtenances had deteriorated beyond anticipated conditions. The project culverts are located in Glades County, under the Herbert Hoover Dike. Additional inspections and repair activities have been coordinated with the U.S. Army Corps of Engineers. The additional time and expense involved with the inspections, as well as unforeseen conditions discovered, require a change order to the contract.

**Recommended Action:
Resolution No. 2016-1212 Issue Change Order No. 4 to
Contract No. 4600002858 with D.N. Higgins, Inc. for North
Shore Trash Rakes S-129/S-131, for an additional
\$448,861.87, which is budgeted in Fiscal Year 2016-2017
and extend the contract to February 15, 2017.**

25. C-43 West Basin Storage Reservoir Pump Station S-476, Change Order No. 1 to Contract No. 4600003389 with Harry Pepper and Associates, Inc. (Operations, Engineering and Construction, staff contact, John P. Mitnik, ext. 2679)

Agenda Item Background:

The purpose of the S-476 pump station in Hendry County is to convey water from the Townsend Canal into the Perimeter Canal that will surround the C-43 reservoir for continued local agricultural irrigation during and after construction of the reservoir facility.

In an effort to accelerate the completion of the project, multiple construction contracts are being utilized to construct the facility. Maintenance of the construction access road was originally included in a future construction contract. However, the need arises now to advance this feature and include it in this construction contract. The modifications to the existing local access road will help avoid delays and claims from the current contractor. The contractor would be required to provide improvements to the road that were not within their scope of work. The road currently is narrow and is limited by adjacent ditches, power poles and poor drainage, and it has limited the ability to manage bi-directional traffic and safe passage of the landowner vehicles.

**Recommended Action:
Resolution No. 2016-1213 Issue Change Order No. 1 to
Contract No. 4600003389 with Harry Pepper and Associates,
Inc., for the C-43 West Basin Storage Reservoir Pump Station
S-476, for an additional \$595,502.67, for which dedicated funds
(Save Our Everglades Trust Fund) are budgeted in Fiscal Year
2016-2017, and extend the contract time to April 4, 2018.**

26. Contract amendment for sod installation services with Nature's Keeper, Inc. (Field Operations & Land Management, staff contact, Karen Estock, ext. 6282)

Agenda Item Background:

Maintenance of District Right of Ways is required to ensure levees uphold the operational integrity of the District's flood control system. The C40 Dredge Project, located north of Lake Okeechobee, removes approximately 760,000 cubic yards of sediment out of C40 and places it on the Right of Way. This material will require sod to ensure stabilization of the Right of Way and prevents its erosion. Amendment 2 to Contract 4600003383 extends the term by 15 months for an amended term of 3 years and 3 months; and increases the contract value by an amount not to exceed \$412,330.11 for a total revised contract amount not to exceed \$912,330.11.

Recommended Action:

Resolution No. 2016-1214 Amend the contract term by 15 months, from October 1, 2017 to December 30, 2018 with Nature's Keeper, Inc. for sod installation services, C40 Canal Phase 2, in an amount not to exceed \$412,330.11 for which \$107,330.11 are budgeted; and the remainder is subject to Governing Board approval of the Fiscal Year 2017 - 2018 and Fiscal Year 2018 – 2019 budgets. (Contract No. 4600003383-A02).

27. Agreement with the Florida Fish and Wildlife Conservation Commission for costs associated with the Bond Farm Project - Phase 1 (Everglades Policy & Coordination, staff contact, Rod Braun, ext. 2925)

Agenda Item Background:

The Bond Farm Project, located in Charlotte County, is the first component of a multi-phased plan to restore historic flow-ways between the Cecil Webb Wildlife Management Area (WMA) and Yucca Pens Preservation Unit. The property was purchased by the Florida Department of Environmental Protection and Florida Department of Transportation to expand the Cecil Webb WMA. This project will reduce peak flows and nutrient loads to the Caloosahatchee River and Estuary and will improve wetland hydroperiods within Cecil Webb WMA. District staff is seeking approval to enter into a 12-month agreement with Florida Fish and Wildlife Conservation Commission, in an amount not to exceed \$329,789, for reimbursement of costs incurred by South Florida Water Management District for design and permitting of the first phase of the Bond Farm Project.

Recommended Action:

Resolution No. 2016-1215 Enter into a 12-month agreement with the Florida Fish and Wildlife Conservation Commission for reimbursement of costs incurred by the South Florida Water Management District for the design and permitting of the Bond Farm Project - Phase 1, in an amount not to exceed \$329,789. Contract No. (4600003479)

28. Offer of judgment for \$5,000 in the matter of *Stubbs v. SFWMD*, Case No. 16-Civ-81544 (S.D. Fla.) (Office of Counsel, staff contact, Bridgette N. Thornton, ext. 6546)

Agenda Item Background:

Plaintiff is a former employee who resigned in March 2015. In September 2016, Plaintiff filed a lawsuit in federal court claiming discrimination, retaliation, and constructive discharge. Office of Counsel views these claims as meritless; Plaintiff resigned voluntarily and Plaintiff's poor work performance was well-documented. An offer of judgment in the amount of \$5,000 seeks to settle the lawsuit for nuisance value. Should Plaintiff refuse the offer and fail to obtain judgment in excess of the offer, the District can seek costs and attorney's fees for having to continue its defense.

Recommended Action:

File an offer of judgment for \$5,000 in the matter of *Stubbs v. SFWMD*, Case No. 16-Civ-81544 (S.D. Fla.).

29. Florida International University 3-Year Contract for Ecological Monitoring for the C-111 Spreader Canal Project (Water Resources, staff contact, Susan Gray, ext. 6919)

Agenda Item Background:

The C-111 Spreader Canal Project came on-line in July 2012 with a number of features to reduce seepage from Taylor Slough into the C-111 Basin to the east. The project acts to retain fresh water in Taylor Slough and increase downstream water deliveries to central Florida Bay. This proposed 3-year contract with Florida International University will provide support for the collection of salinity, nutrient, vegetation and periphyton samples needed to assess habitat improvements in the coastal bays and wetlands of Florida Bay that are associated with C-111 freshwater deliveries. Monitoring activities undertaken through this proposed contract are designed to assess how alteration of the movement of fresh water, nutrients, and organic matter affect the freshwater and mangrove wetlands of the Southern Everglades and Florida Bay and detect improvements in vegetation, periphyton and habitat condition. The monitoring activities also fulfill the requirements of the project permits issued by the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection.

Recommended Action:

Resolution No. 2016-1216 Enter into A 3-year contract with Florida International University for ecological monitoring of water quality and habitat associated with the C-111 Spreader Canal project in an amount of \$405,000, of which \$87,000 in funds are budgeted in Fiscal Year 2016-2017 and the remainder is subject to Governing Board approval of the Fiscal Year 2018-Fiscal Year 2020 budgets.

30. Board Vote on Consent Agenda
31. Board Comment

Discussion Agenda

32. Technical Reports
- A. Water Conditions Report - John P. Mitnik, Chief Engineer, Operations, Engineering & Construction (ext. 2679)
 - B. Ecological Conditions Report - Terrie Bates, Division Director, Water Resources (ext. 6952)
 - C. O & M Capital Improvement Program Overview - Alan Shirkey, Bureau Chief, Operations, Engineering & Construction (ext. 2679)

33. Fiscal Year 2017 - 2018 Draft Preliminary Budget Discussion - Candida Heater, Bureau Chief, Administrative Services (ext. 6486)

Agenda Item Background:

Section 373.535, Florida Statutes, requires the submittal of the preliminary budget for the next fiscal year for legislative review by January 15th. This presentation provides the Governing Board a status of the development of the Fiscal Year 2017 - 2018 draft Preliminary Budget of revenues, expenditures and spend down plan. The Florida Department of Environmental Protection has requested each water management district to provide the draft Preliminary Budget for consistency review in December prior to the January 15th Statutory Requirement.

34. Integrated Delivery Schedule Update - Matt Morrison, Federal Policy Chief, Everglades Policy & Coordination (ext. 6844)

Agenda Item Background:

The Integrated Delivery Schedule (IDS) is the roadmap for implementation of South Florida Ecosystem Restoration Program projects that are cost-shared between the District and the U.S. Army Corps of Engineers. The IDS provides a schedule and sequencing plan for achieving restoration benefits consistent with state and federal requirements and an assumed level of funding. The 2016 revision to the IDS incorporates changes to the schedule as a result of actual funding received from the Florida Legislature and the Federal Budget for Fiscal Years 2016 and 2017.

35. Update on Implementation of Moving Water to Florida Bay - Ernie Marks, Division Director, Everglades Policy & Coordination (ext. 6993)

Agenda Item Background:

The Governing Board directed staff to implement a plan to deliver additional freshwater to Florida Bay through Taylor Slough. As part of the September 2016 Governing Board meeting, staff presented a series of project refinements and operational modifications to the originally proposed Florida Bay project based on feedback received from partner agencies and the public. While a number of planning efforts have occurred or are already active in the South Dade vicinity (e.g., Modified Water Deliveries Incremental Field Tests, C-111 South Dade Project, South Dade Study, etc.), it is expected that the District's proposed efforts will provide aid in the form of additional freshwater to Florida Bay in an expedited manner. This presentation will provide a brief overview of the Florida Bay project and the current status of design, permitting and construction.

36. Declare surplus land interests containing a total of 16.77 acres, more or less, in Highlands County known as the Pearce Lockett Estate. (Real Estate, staff contact, Ray Palmer, ext. 2246)

Agenda Item Background:

In 2013, the Governing Board directed staff to analyze options for disposal of certain lands. Tracts 19103-654 and 19103-837 commonly known as the Pearce Lockett Estate collectively contain 16.77 acres, more or less, located in Highlands County were included in the Board's direction. Staff further analyzed the options for disposal of the Tracts, obtained an ecological assessment, and conducted a public meeting on October 12, 2016 regarding the surplus and sale of the Tracts. An appraisal values the Tract at \$160,000 which noted the Tracts will be subject to a reserved perpetual access, flowage and inundation easement comprising approximately 2.73 acres. The 2.73 acres is located below the 100-year flood line and, in connection with the Kissimmee River Restoration Project (Project), for the Project and must be encumbered by a flowage and inundation easement. It is appropriate at this time for the Tracts to be declared surplus, subject to the reserved perpetual access, flowage and inundation easement and without reservation of phosphate, minerals, metals and petroleum and to be

offered to the public for bid to be sold for the highest price obtainable, but in no event less than appraised value.

Recommended Action:

Resolution No. 2016-1217 Declare surplus lands containing 16.77 acres, more or less, in Highlands County, known as the Pearce Lockett Estate, subject to a reserved perpetual access, flowage and inundation easement on 2.73 acres, more or less, without reservation of interests under Section 270.11, Florida Statutes, together with any structures, improvements and personal property appurtenant thereto, for the purpose of offering said property to the public for bid to be sold for the highest price obtainable but not less than the appraised value.

37. S-34E Replacement and Automation, G-123 Demolition, S-141 Replacement Project (Operations, Engineering and Construction, staff contact, Alan Shirkey, ext. 2579)

Agenda Item Background:

The S-34E Replacement and Automation, G-123 Demolition, and S-141 Replacement Project are located in Broward County and are included in the District's Operation and Maintenance Capital Improvement Program. Following an inspection, the S-34 structure was identified as needing repair or replacement due to severely corroded culverts and gates. The Pump heads were removed from the G-123 structure, rendering the structure inoperable and the sheet pile walls associated with the structure S-141 are severely corroded.

This proposed project replaces and automates the S-34 structure, demolishes the G-123 pump station and its appurtenances, and replaces the S-141 structure. Once the existing S-34 structure is replaced, the new structure located immediately adjacent to the old structure, will be renamed S-34E. The site is located in western Broward County along northbound US-27, just north of I-75 (Alligator Alley).

Recommended Action:

Resolution No. 2016-1218 Enter into a 610-day contract with Murray Logan Construction, Inc., the lowest responsive and responsible bidder, for the S-34E Replacement and Automation, G-123 Demolition, and S-141 Replacement Project, in the amount of \$5,198,000, for which \$3,000,000 is budgeted in Fiscal Year 2016 - 2017, and the remainder is subject to Governing Board approval of future years budgets. (Contract number 4600003603)

39. General Public Comment

Staff Reports

40. Monthly Financial Report - Dorothy Bradshaw
41. General Counsel's Report – BOMA/University of Florida lease - Brian Accardo
42. Executive Director's Report – Lennart Lindahl

43. Board Comment

44. Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2016), to discuss strategy related to litigation expenditures and/or settlement negotiations in Larry Robinson v. South Florida Water Management District, EEOC Charge No. 510-2012-03984.

ATTENDEES: Governing Board Members S. Accursio, F. Barber, F. Fernandez, C. Harlow, M. Hutchcraft, J. Moran, D. O’Keefe, M. Peterson, K. Powers; Assistant Executive Director, Lennart Lindahl (appearing for Executive Director); District attorneys B. Accardo, E. Coates, C. Kowalsky, J. Nutt. (Brian J. Accardo, ext. 6232)

45. 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.