Governing Board Meeting Agenda of the South Florida Water Management District – December 12, 2019

South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING
AGENDA
December 12, 2019
9:00 AM
District Headquarters - B-1 Auditorium
3301 Gun Club Road
West Palm Beach, FL 33406

FINAL

1. Call to Order - Chauncey Goss, Chairman, Governing Board

2. Pledge of Allegiance

3. Employee Recognitions - Presented by Drew Bartlett
   - December Employee of the Month: Leroy Rodgers, Section Leader
   - November Team of the Month: Caloosahatchee River MFL Project Team
   - December Team of the Month: BOMA Restoration Team
   - 30-Year Service Award: Robin Clemons, Legal Office Administrator
   - 30-Year Service Award: Carlos Piccirillo, Senior Geographer
   - 45-Year Service Award: Howard Ehmke, Surveyor & Mapper Supervisor

4. Agenda Revisions

5. Agenda Item Abstentions by Board Members

6. Audit & Finance Committee Report - Jay Steinle, Chairman

7. Consider Approval of the Minutes for the November 14th Meeting

8. General Public Comment

9. Board Comment

Consent Agenda

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

12. Fiscal Year 2020-2025 Strategic Plan Adoption (Staff contact, Jennifer Smith, ext. 6285)

**Agenda Item Background:**
The purpose of this agenda item is to review staff’s final draft of the South Florida Water Management District 2020-2025 Strategic Plan and request Governing Board approval. The approved plan document will be submitted to the Governor and Legislature along with the Preliminary Fiscal Year 2020-2021 District budget due January 15, 2020. Public comments have been gathered and reviewed as part of this plan update. The document includes management updates for Strategic Priorities, Success Indicators and Strategic Project recommendations based on Governor DeSantis’ Executive Order 19-12 restoration guidance as well as final State of Florida and District budget decisions for Fiscal Year 2019-2020.

**Recommended Action:**
Resolution No. 2019 - 1201  Adopt the updated 5-Year Strategic Plan of the District for the purpose of establishing Board Guidance, Strategic Priorities, Goals, Projects and Success Indicators.

13. Eighth Amendment to the Thirty Second Annual Work Plan for the Seminole Tribe of Florida (Staff contact, Armando Ramirez, ext. 6684)

**Agenda Item Background:**
This work plan is the procedural mechanism under which the District addresses water use, surface water management, natural resource management, well construction, and right of way activities the Tribe plans to undertake. This mechanism was established under the 1987 Water Rights Compact among the Seminole Tribe of Florida, the State of Florida and the District (also see Section 373.200, Florida Statutes).

**The Eighth Amendment to the Thirty Second Annual Work Plan**
Under this amended work plan, the following activities are planned:

- **Works in the Hollywood Reservation - Splash Pad Water Play Area**
  The Tribe is proposing to construct a new self-contained 2,340 square foot Splash Pad - Water Play Area within the Hollywood Seminole Indian Reservation. The proposed Splash Pad will include fencing, play equipment, sidewalk installation, a self-contained water drainage system, and utility installation.

- **Works in the Big Cypress Reservation - Hunting Adventures Pond Modification**
  This project will provide improved swimming and fishing access to a recreation area located in the Hunting Adventures recreation facility. The proposed work includes excavation of select low lying areas to provide hydrologic connectivity within the existing pond and grading of the edges.

**Recommended Action:**
Concur with the Eighth Amendment to the Thirty Second Annual Work Plan for the Seminole Tribe of Florida.

14. Memorandum of Understanding with the Southwest Florida Water Management District for Interdistrict Transfer of Water to South Florida Water Management District (Staff contact, Simon Sunderland, ext. 2705)

**Agenda Item Background:**
The City of Cape Coral (City) submitted Water Use Application No. 20020808.00 to
Southwest Florida Water Management District (SWFWMD) to convert an existing rock and sand mine to a surface water reservoir (Project). Surface water will be withdrawn from the Project and piped to the City’s canal system to supplement reclaimed water flows which the City uses for irrigation and fire protection. The proposed Project creates an interdistrict transfer - surface water located within SWFWMD will be conveyed and used within the District.

Rule 62-40.422, Florida Administrative Code (F.A.C), requires proposed uses involving inter-district transfers be approved by both water management districts. This Memorandum of Understanding between SWFWMD and the District documents each water management districts’ approval and fulfills the requirements of Rule 62-40.422, F.A.C.

Recommended Action:
Resolution No. 2019 - 1202  Authorize the Executive Director or his designee to execute the Memorandum of Understanding between Southwest Florida Water Management District and South Florida Water Management District regarding the City of Cape Coral’s Proposed Interdistrict Transfer of Surface Water from Southwest Florida Water Management District to the South Florida Water Management District.

15. Alternative Water Supply and Water Conservation Projects (Staff contact, Mark Elsner, ext. 6156)

Agenda Item Background
Staff seeks Governing Board authorization to enter into agreements with cooperating entities for alternative water supply and water conservation projects eligible for grant funding in:

A. an approximate amount of $11,556,600 in dedicated state appropriations from the 2019 State General Appropriations Act Line 1642.

B. an amount not to exceed $600,000 for which $300,000 in District Fiscal Year 2019-2020 Ad Valorem funds and $300,000 in dedicated Fiscal Year 2019-2020 state appropriations (Water Protection and Sustainability Program) are budgeted for projects in addition to those designated in Resolution 1204.

The funding from both sources provides partnership opportunities and financial incentives to implement local alternative water supply and water conservation projects.

Recommended Action:
Resolution No. 2019 - 1203  Authorize entering into agreement(s) with cooperating entities for alternative water supply and water conservation projects in an approximate amount of $11,556,600 in dedicated state appropriations from the 2019 State General Appropriations Act Line 1642; delegating authority to the Executive Director to execute the agreements for identified projects listed in Exhibit A eligible for grant funding.

Resolution No. 2019 - 1204  Authorize entering into agreement(s) with cooperating entities for alternative water supply projects in an amount not to exceed
$600,000 for which $300,000 in District Fiscal Year 2019-2020 Ad Valorem funds, and $300,000 in dedicated Fiscal Year 2019-2020 state appropriations (Water Protection and Sustainability Program) are budgeted, and delegate authority to the Executive Director to execute the agreements for identified projects.

16. 2019 Lower Kissimmee Basin Water Supply Plan Update (Staff contact, Mark Elsner, ext. 6156)

**Agenda Item Background:**
Staff is requesting the Governing Board issue a final order approving the 2019 Lower Kissimmee Basin (LKB) Water Supply Plan Update (LKB Plan Update). Water supply plans are updated every 5 years and identify sustainable water supplies for all water users while protecting the water resources and related natural systems. This 5-year update for the LKB Planning Area, which includes portions of Highlands, Glades, and Okeechobee counties as well as the Seminole Tribe of Florida’s Brighton Reservation, provides demand projections through 2040 and identifies sources and strategies to meet these demands pursuant to Chapter 373, Florida Statutes. The 2019 LKB Plan Update concludes that future water needs of the LKB Planning Area can be met with appropriate management and conservation.

The 2019 LKB Plan Update was developed in an open public forum. The Draft 2019 LKB Plan was made available for public review and comment and the comments were evaluated and incorporated into the LKB Plan Update where appropriate.

**Recommended Action:**
Issue a final order approving the 2019 Lower Kissimmee Basin Water Supply Plan Update.

17. Side Slope Mowing Contract, Big Cypress Basin Field Station Area of Responsibility, Portions of Collier County (Staff contact, Rich Virgil, ext. 6759)

**Agenda Item Background:**
Maintenance of District lands is required to ensure that vegetation is controlled at the appropriate height to provide for optimal performance and operational efficiency of the District's flood control system. This is a proposed contract for side slope mowing and trimming services of approximately 356 acres of various District lands and canal and levee rights of way in the Big Cypress Basin Field Station area of responsibility, including portions of Collier County. The project was competitively bid. Two bids were received ranging from $300 to $412 per acre. Charles Wesley O’Ferrell, dba Southern Services, was the lowest responsible and responsive bidder.

**Recommended Action:**
Resolution No. 2019 - 1205 Authorize entering into a 3-year contract with two 1-year renewal options with Charles Wesley O’Ferrell, dba Southern Services, the lowest responsive and responsible bidder, for side slope mowing and trimming services of various District lands and canal and levee rights of way in the Big Cypress Basin Field Station area of responsibility, including portions of Collier County, in an amount not-to-exceed $534,000 for which $106,800 in Big Cypress Basin Ad Valorem funds are budgeted in Fiscal Year 2019-2020 and the remainder is subject to Governing Board
18. Field Operations Center Eco-Friendly Janitorial Contract (Staff contact, Candida Heater, ext. 6486)

**Agenda Item Background:**
This proposed service contract is for the eco-friendly janitorial services for Building B-374, the Environmental Laboratory; Building B270, the SCADA building; and, B-271, the warehouse, located at the Field Operations Center on Belvedere Road. The proposed contract is for a term of 3 years with two 1-year renewal options for a not to exceed amount of $362,150.40. The annual cost will be $72,430.08.

Three bids were received ranging from $72,430.08 to $153,600 annually. Superior Service Management, Inc. was the lowest responsible and responsive bidder.

**Recommended Action:**
Resolution No. 2019 - 1206 Authorize entering into a 3-year contract with two 1-year renewal options with Superior Service Management, Inc., for eco-friendly janitorial services at the Field Operations Center, in an amount not-to-exceed $362,150.40 for which $72,430.08 in Ad Valorem funds are budgeted in Fiscal Year 2019-2020 and the remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600004117)

19. Board Vote on Consent Agenda

**Technical Reports**

B. Ecological Conditions Report - Lawrence Glenn

**Discussion Agenda**

21. Voting Item: Old Tamiami Trail Removal Project, Miami-Dade County (Staff contact, Alan Shirkey, ext. 2579)

**Agenda Item Background:**
Old Tamiami Trail is a historic highway that was built across the Everglades to connect Tampa and Miami in the early 1900s. Its construction disrupted the natural sheet flow of water south through the Everglades. The Old Tamiami Trail Removal Project is a critical component of the Central Everglades Planning Project (CEPP). By removing the roadbed, the project will help restore the ecologically important historic sheet flow of water south through the Everglades.

Bridging Tamiami Trail, removing roadbed, and restoring this historic sheet flow of water are part of Governor Ron DeSantis’ Everglades restoration priorities. The project is in Miami-Dade County south of U.S. 41 between the L-67 Extension Canal and Shark Valley Loop Road and includes removal of 5.5 miles of roadbed.

**Recommended Action:**
Resolution No. 2019 - 1207 Authorize entering into a 730-day contract with XXXX, the lowest responsive and
22. Voting Item: C-44 Reservoir/STA Project, Stormwater Treatment Area (Staff contact, Alan Shirkey, ext. 2579)

**Agenda Item Background:**
In 2014, the lowest bidder for the construction of the C-44 Reservoir/STA Project, Stormwater Treatment Area, was awarded the contract at $100,792,387. The District terminated that contract in November 2018 and is currently in litigation.

On January 10, 2019, the Governing Board authorized the Executive Director to negotiate and execute a new contract to complete the C-44 Reservoir/STA Project, Stormwater Treatment Area, (Contract No. 4600003959). This contract was executed with the second lowest responsive and responsible bidder from the 2014 solicitation, Bergeron Land Development, Inc. The remaining estimated available contractual budget authority for Fiscal Year 2018-2019 for this Project was $25,017,003.70, which was used towards the new contract to keep the pace of construction expedited.

Because of the uncertain nature of repairs needed, the new contract is a time and materials contract, which requires payment based on the cost of materials used and the time expended to complete work, rather than a fixed, not-to-exceed amount. Due to the extensive nature of anticipated repairs, District staff expected additional funds would be needed to complete the project once new budget authority became available in Fiscal Year 2019-2020.

Remaining areas in need of repair have now been identified. The requested additional funding needed for project completion, including completion of repairs, is estimated to be $14,000,000, plus up to 10% contingency allowance. This contingency is for items beyond the District’s control, like extreme weather events. This amount is consistent with prior independent cost estimates. No changes to the terms and conditions of the contract are needed or requested. It should also be noted that the District is seeking recompense from the contractor terminated in 2018. If successful, some or all of the costs associated with project repairs should be defrayed.

**Recommended Action:**
Resolution No. 2019 - 1208  Authorize additional funding to the contract with the second lowest responsive and responsible bidder from the 2014 solicitation, Bergeron Land Development, Inc., in an approximate amount of $14,000,000, plus up to a 10% contingency allowance, for which dedicated funds (Save Our Everglades Trust Fund and Land Acquisition Trust Fund) and Ad Valorem funds are budgeted in Fiscal Year 2019-2020, for completion of construction of the C-44 Reservoir/STA Project, Stormwater Treatment Area. (Contract Number 4600003959)

23. Voting Item: Greater Orlando Aviation Authority Conservation Easement Partial Release, Orange County (Bradley Friel, P.E., Greater Orlando Aviation Authority, and Staff contact, Jill Creech, ext. 6814)

**Agenda Item Background:**
The Greater Orlando Aviation Authority (GOAA) requests a partial release of a 379.96-acre conservation easement for a property known as Poitras in the City of Orlando. The
partial conservation easement release consists of 94.22 acres, of which 4.27 acres are wetlands. GOAA proposes to mitigate the release by utilizing mitigation credits generated from the Hampton Bay Parcel, as well as credits purchased in the Quickdraw, Bullfrog Bay, and Southport Ranch mitigation banks.

**Recommended Action:**
Consider a partial release of a recorded conservation easement for a project known as Poitras. (Application Nos. 190823-1 and 190822-4, Permit No. 48-00063-S)

24. Briefing Item: Update on Comprehensive Everglades Restoration Plan Projects (Staff contact, Jennifer Leeds, ext. 6088)

A. Loxahatchee River Watershed Restoration Project

**Agenda Item Background:**
The purpose of the Loxahatchee River Watershed Restoration Project (LRWRP) is to restore and sustain the flow of fresh water to the federally designated “National Wild and Scenic” Northwest Fork of the Loxahatchee River, as well as to increase hydrologic connectivity between natural areas to benefit flora and fauna and to improve the seasonal timing and distribution of water to restore drained wetlands that form the historic headwaters for the river. To date, the United States Army Corps of Engineers (USACE) has a draft Project Implementation Report (PIR) after public and agency comment. As part of the Comprehensive Everglades Restoration Plan, the USACE requires a Letter of Support and Financial Capability to move forward to release the Final Loxahatchee River Watershed Restoration Project Integrated Project Implementation Report and Environmental Impact Statement.

B. Caloosahatchee River West Basin Storage Reservoir Project

**Agenda Item Background:**
The purpose of the Caloosahatchee Reservoir is to capture excess C-43 Basin (East and West Caloosahatchee sub-watersheds) runoff and undesirable freshwater releases from Lake Okeechobee during the wet season and release water from the reservoir during the dry season to meet environmental needs. The Caloosahatchee Reservoir was initially designed in 2008 and revised in 2018. The design changes incorporate USACE’s updated design guidance for dam safety which increases the robustness, resiliency and redundancy of the project. The design changes increase the total project cost, which are forecasted to exceed 20 percent of the total authorized cost provided in Section 902 of Water Resources Development Act (WRDA) 1986. As part of the Comprehensive Everglades Restoration Plan, the USACE requires a Letter of Support and Financial Capability to preserve the District’s cost-share credit for the increased total authorized project costs. The C-43 Reservoir Post Authorization Change Report (PACR) presents an updated project cost estimate, above the Section 902 limit, for Congressional authorization which will increase the cost share total for the project.

This presentation will provide an overview of the LRWRP and the Caloosahatchee Reservoir projects, and the remaining project schedule for Congressional authorization.

**Staff Reports**


26. General Counsel’s Report - Paula Cobb
27. Executive Director’s Report - Drew Bartlett

28. General Public Comment

29. Board Comment

30. 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. 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.