



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING MINUTES

June 11, 2020

9:00 AM

via Communications Media Technology

www.SFWMD.gov

Attendee Name	Title	Status
Chauncey Goss	Chairman	Remote
Ben Butler		Remote
Ron Bergeron		Remote
Charlie Martinez		Remote
Cheryl Meads		Remote
Charlette Roman		Remote
Jay Steinle		Remote
Jacqui Thurlow-Lippisch		Remote
Scott Wagner	Vice-Chairman	Remote

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

Chairman Goss called the meeting to order at approximately 9:00 AM.

2. Pledge of Allegiance

Mr. Steinle led the Pledge of Allegiance.

3. Employee Recognitions

Chairman Goss recognized June as Flood Awareness Month and commended staff for the work conducted to operate and maintain the flood control system.

Mr. Bartlett presented employee recognitions for June Team of the Month, Everglades Agricultural Area (EAA) Reservoir Project Storm Treatment Area (STA) Permitting Team, and 35-Years of Service, Calvin Neidrauer.

4. Agenda Revisions

Ms. Byrd stated updates were made to the contract information on Consent Agenda item 20; Discussion Agenda item 31 was added; and, with the addition of item 31 agenda items were renumbered so items could easily be followed by the public.

5. Agenda Item Abstentions by Board Members

Mr. Bergeron abstained from voting on Consent Agenda item 15, and Discussion Agenda item 29. For item 15, Mr. Bergeron's company Bergeron Land Development, Inc., is in the business of debris removal but did not submit a bid on the Emergency Debris Management Site Services project. For item 29, Mr. Bergeron's company, Bergeron Land Development, Inc., was selected as prime contractor for the C-44 Reservoir/STA Project prior to being appointed to the Governing Board.

This item is recorded at:

<https://sfwmd.ig2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2012&Format=Agenda>

6. Big Cypress Basin Board Report - Charlette Roman, Chair

Ms. Roman provided a Big Cypress Basin (BCB) Board report for the meeting held on May 22, 2020. Ms. Roman stated the BCB Board received an overview of the Basin's on-going capital projects and updated 5-year capital plan; a preview of the Basin's tentative budget for Fiscal Year 2020-2021; and, an update on partnership efforts with Collier County to balance vegetation maintenance and canal bank erosion.

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

This item is recorded at:

<https://sfwmd.ig2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2012&Format=Agenda>

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Cheryl Meads
SECONDER:	Ben Butler
AYES:	Goss, Butler, Bergeron, Martinez, Meads, Roman, Steinle, Thurlow-Lippisch, Wagner

8. General Public Comment

Newton Cook, United Waterfowlers of Florida, Inc.
Drew Martin, Sierra Club Loxahatchee Group
Gary Ritter, Florida Farm Bureau Foundation
Diana Umpierre, International Dark Sky Association-Florida Chapter
Ryan Rossie, South Florida Water Coalition
Nyla Pipes, One Florida Foundation
Mike Elfenbein, The Foundation for Balanced Environmental Stewardship, LLC
Becky Harris
Emma Haydocy, Florida Bay Forever
Steve Leidner
Michael Collins, Florida Bay Initiative
Scott Greenwald

This item is recorded at:

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9. Board Comment

Ms. Thurlow-Lippisch thanked staff for efforts assisting with flooding issues in Martin County; stated the Florida Department of Transportation would be addressing fencing on the Beeline/710 to further efforts in protecting wildlife; thanked Matt Pearce, Florida Cattlemen's Association, for the Kissimmee River field trip; and, petitioned support from staff and Governor DeSantis to further expedite the EAA Reservoir and STA.

Ms. Roman provided an update from the sub-regional Water Quality Feasibility Study meeting in Collier County, and commended staff and public participants for a productive Water Resources Accountability and Collaboration (WRAC) meeting.

Mr. Steinle recognized collaborative efforts with the Loxahatchee River District, City of West Palm Beach, Palm Beach County and District addressing water quality concerns of the Loxahatchee River and provided an interim solution to meet Minimum Flow Levels (MFLs) and decreased salinity. Additionally, Mr. Steinle provided an update on the District's budget portfolio and investment accounts, and federal interest rates.

The Board commended staff for persevering with the management of extreme environmental conditions exhibited during transition from dry season to wet season.

Ms. Meads thanked South Florida farmers for generously feeding the residents of Monroe County during COVID-19 restrictions.

Mr. Bergeron urged staff to continue to pursue land outside of the Comprehensive Everglades Restoration Plan (CERP) to provide wetland credits which would assist with more Everglades restoration projects.

Mr. Butler commented on the importance of Integrated Pest Management (IPM) as a holistic approach to controlling invasive species.

Chairman Goss suggested staff research applying for certification to International Florida Dark Skies Association program.

This item is recorded at:

sfwmd.igmd.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2012&Format=Agenda

Consent Agenda

10. Move Consent Agenda Items to Discussion Agenda

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

11. Public Comment on Consent Agenda Items

Michael Collins, Florida Bay Initiative
Eve Samples, Friends of the Everglades, Inc.
Mike Conner

Shannon Estenoz, Everglades Foundation
Nyla Pipes, One Florida Foundation

This item is recorded at:

<https://sfwmd.igmd.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2012&Format=Agenda>

12. Land Acquisition, Pennsuco Wetlands Project, Miami-Dade County (Staff contact, Stephen M. Collins, ext. 2959)
Resolution No. 2020 - 0601 Acquire land interests containing five acres, more or less, in the amount of \$40,000, located in the Pennsuco Wetlands Project in Miami-Dade County, for which dedicated funds (Lake Belt Mitigation Fund) are budgeted in Fiscal Year 2019-2020.
13. Land Acquisition, C-111 South Dade Project, Miami-Dade County (Staff contact, Stephen M. Collins, ext. 2959)
Resolution No. 2020 - 0602 Acquire land interests on two tracts containing a total of 20 acres, more or less, in the amount of \$319,400, for which dedicated funds (Save Our Everglades Trust Fund and Ad Valorem funds) are budgeted in Fiscal Year 2019-2020, for the C-111 South Dade Project.
14. Lease Extension with Florida Fish and Wildlife Conservation Commission, Miami-Dade County (Staff contact, Stephen M. Collins, ext. 2959)
Resolution No. 2020 - 0603 Issue an amended and restated lease to the Florida Fish and Wildlife Conservation Commission on 100 acres, more or less, in Miami-Dade County. (Contract Number 4600002123)
15. Emergency Debris Management Site Services (Staff contact, Stephen M. Collins, ext. 2959)
Resolution No. 2020 - 0604 Authorize the official ranking of short-listed firms and enter into five-year work order contracts, subject to successful negotiations with the four firms selected below for Emergency Debris Management Site Services, in an amount not-to-exceed the amounts authorized by the Governing Board for each emergency incident, available for all four contracts.

DRC Emergency Services, LLC.	Contract Number 4600004238
Ceres Environmental Services, Inc.	Contract Number 4600004239
Arbor Tree and Land, Inc.	Contract Number 4600004240
Southern Disaster Recovery, LLC.	Contract Number 4600004241
16. Canal Easement Partial Release for the C-6 (Miami Canal), Miami Dade County (Staff contact, Stephen M. Collins, ext. 2959)
Resolution No. 2020 - 0605 Release a portion of a canal easement containing 49.32 acres, more or less, located in several Sections in Township 52 South, Ranges 39 and 40 East, Miami-Dade County, C-6 (Miami Canal) Project, to the Florida Department of Transportation, at no cost.
17. Right of Way Waiver Request, Miami-Dade County (Staff contact, Richard Virgil, ext. 6759)

18. Publication of Notice of Proposed Rule and Adoption of Amendments to Rules 40E-7.668 through 40E-7.678, Florida Administrative Code, Small Business Enterprise Contracting Program (Provided no changes are made and no request for public hearing is timely received) (Staff contact, Candida Heater, ext. 6486)

Authorize publication of Notice of Proposed Rule in the Florida Administrative Register, and authorize adoption of amendments to the Small Business Enterprise Contracting Program Rules 40E-7.668- 40E-7.678, Florida Administrative Code (provided no changes are made and no request for hearing is timely received), to clarify and refine the program for small businesses.
19. Desktop Support Contractor Extension (Staff contact, Duane Piper, ext. 2150)
Resolution No. 2020 - 0606 Authorize an amendment to Purchase Order Number 4500107748 with Tech Army LLC by increasing the amount of the purchase order by \$80,512 for a revised purchase order total of \$213,600 for a desktop support contractor, for the time period June 26, 2020 through September 30, 2021, for which \$37,376 in Ad Valorem funds are budgeted in Fiscal Year 2019-2020 and the remainder is subject to Governing Board approval of future years budgets.
20. e-Builder Construction Management Software Subscription Agreement (Staff contact, Duane Piper, ext. 2150)
Resolution No. 2020 - 0607 Authorize Amendment Number 2 to the contract with e-Builder, Inc. for an additional 3-year software subscription service with two 1-year renewal options, using the General Services Administration Contract Number GS-35F-408AA, in the amount of \$1,476,607 for a revised contract total of \$2,030,642, for which \$217,087 of 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 4600003640)
21. Temporary Variances from Phase III Landscape Irrigation Restrictions Imposed by SFWMD Order No. 2020-012-DAO-WS (Staff contact, Lawrence Glenn, ext. 6499)

Concur with the Temporary Variances from Phase III Landscape Irrigation Restrictions imposed by SFWMD Order No. 2020-012-DAO-WS.
22. Mediated Settlement Agreement (Staff contact, Darren Leiser, ext. 6842)
Resolution No. 2020 - 0608 Ratify a proposed settlement agreement for the purpose of resolving an employment discrimination case in the U.S. District Court, Southern District of Florida, Case No. 9:19-cv-81400-RLR.
23. Fiscal Year 2019 Comprehensive Annual Financial Report and Audit Management Letter (Staff contact, Tim Beirnes, ext. 6398)

Accept the Fiscal Year 2019 Comprehensive Annual Financial Report and Audit Management Letter.
24. Board Vote on Consent Agenda (12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23)

Mr. Bergeron abstained from voting on Consent Agenda item 15. Mr. Bergeron's company Bergeron Land Development, Inc., is in the business of debris removal but did not submit a bid on the Emergency Debris Management Site Services project.

This item is recorded at:

<https://sfwmd.igmp2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2012&Format=Agenda>

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Scott Wagner, Vice-Chairman
SECONDER:	Jay Steinle
AYES:	Goss, Butler, Bergeron, Martinez, Meads, Roman, Steinle, Thurlow-Lippisch, Wagner

Technical Reports

25. Water Conditions Report - John P. Mitnik

Mr. Mitnik provided the Water Conditions Report for the last 30 days.

Board Comment

Mr. Martinez commended staff for management efforts exhibited during a recent flooding event in the City of Sweetwater and throughout areas of Miami-Dade County. Mr. Wagner concurred.

Mr. Wagner and Mr. Mitnik discussed the analysis represented on slide 16 related to the operations of the C-4 canal.

Mr. Bergeron and Mr. Mitnik discussed the southern conveyance and considerations for sending water south represented on slide 10. Mr. Bergeron commented on the importance of re-establishing natural sheet flow to provide beneficial flows to Florida Bay and Everglades National Park (ENP) for Cape Sable seaside sparrow nesting, and suggested staff fully utilize infrastructure and work on impediments restricting flow. Mr. Mitnik stated current operations were at increment two which had some restrictions, but efforts were underway through multiple agencies to implement the Combined Operating Plan which would provide more operational flexibility on the southern end of the system and address water flow restrictions.

Ms. Meads commented on the impact flooding had on residents of Miami-Dade County, and for residents bordering Water Conservation Area (WCA)-3A.

26. Ecological Conditions Report - Lawrence Glenn

Mr. Glenn provided an update on hydrologic and ecologic conditions over the last 30 days throughout the greater aquatic ecosystem of the District.

Board Comment

In response to Ms. Thurlow-Lippisch's question on slide 19 regarding total water volume flowing south, Mr. Mitnik stated staff would provide the Board with an updated graphic depicting water flow volumes leaving Lake Okeechobee moving south, flowing into WCAs and moving south, and flowing into the ENP.

In response to Mr. Butler's questions regarding Kissimmee River Restoration, Mr. Glenn stated the United States Army Corps of Engineers (USACE) reported the current phase had about 20 days left of construction.

In response to Mr. Steinle's question on slide 26, Mr. Glenn elaborated on the analysis provided from the 2019 annual Florida Bay seagrass report.

Responding to Ms. Meads' question regarding if obligations were met to supply water to legal users, Mr. Bartlett stated no restrictions were imposed on legal water users in the Lake Okeechobee Service area and the only restrictions imposed were in Lee County due to drought and aquifer conditions.

At the request of Ms. Thurlow-Lippisch, staff to provide the Board a list of obstacles deterring efforts to move more water south.

27. Public Comment

Newton Cook, United Waterfowlers of Florida, Inc.
Michael Collins, Florida Bay Initiative
Laura Reynolds, The Florida Keys Fishing Guides Association
Mike Elfenbein, The Foundation for Balanced Environmental Stewardship, LLC
Nyla Pipes, One Florida Foundation

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Discussion Agenda

28. Acquisition of Land Interests in Miami-Dade County (Staff contact, Stephen M. Collins, ext. 2959)

Mr. Collins presented the acquisition of land interests in Miami-Dade County for the Biscayne Bay Coastal Wetlands Preserve and Bird Drive parcel, and a resolution for Board consideration.

Public Comment

Dr. Christopher McVoy,
Laura Reynolds, Hold the Line Coalition, Miami-Dade County
Anna Upton, Everglades Foundation
Paul Schwiep, Esquire
Diana Umpierre, Sierra Club
Doug Gaston, Audubon Florida
Nyla Pipes, One Florida Foundation
Dr. Steven Green, University of Miami
Lisa Interlandi, Everglades Law Center
Michael Collins, Florida Bay Initiative
Caroline McLaughlin, National Parks Conservation Association
Adriene Barmann, Broward Sierra Club
Eve Samples, Friends of the Everglades, Inc.
Katie Edwards-Walpole, iHeart Media

Board Comment

After public comment and Board discussion, the Board agreed to table this item so that issues and concern could be addressed.

Ms. Roman suggested staff further discuss District policies related to leases inside restoration projects with the Board.

Resolution No. 2020 - 0609 Approve acquisition of fee interest of 10 acres, more or less, within the Bird Drive Recharge Area Project in Miami-Dade County and acquisition of fee interest of 83.8 acres, more or less, within the Biscayne Bay Coastal Wetlands Project in Miami-Dade County, in exchange for granting iHeartMedia & Entertainment, Inc., a Radio Antennae and Access Easement encumbering 60 acres, more or less, within the Bird Drive Recharge Area Project in Miami-Dade County; approve declaring 60 acres, more or less, of easement interests as surplus for exchange within the Bird Drive Recharge Area Project in Miami-Dade County.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Jay Steinle
SECONDER:	Charlie Martinez
AYES:	Goss, Butler, Bergeron, Martinez, Meads, Roman, Steinle, Thurlow-Lippisch, Wagner

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29. C-44 Stormwater Treatment Area Funding (Staff contact, Alan Shirkey, ext. 2579)

Mr. Bergeron abstained from participating and voting on this item.

Mr. Shirkey provided an overview of the C-44 Stormwater Treatment Area (STA) costs, and a resolution for Board consideration.

Board Comment

The Board, Mr. Shirkey and Ms. Cobb discussed the project scope, corrected work, additional fixes, and cost to complete the project.

Public Comment

Eve Samples, Friends of the Everglades, Inc.
Nyla Pipes, One Florida Foundation

Resolution No. 2020 - 0610 Authorize additional funding to the Contract, with the second lowest responsive and responsible bidder from the 2014 solicitation, Bergeron Land Development, Inc., to complete the C-44 Reservoir/STA project, Stormwater Treatment Area. This is currently estimated to be \$9,000,000, 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. (Contract Number 4600003959)

RESULT:	ADOPTED [8 TO 0]
MOVER:	Charlie Martinez
SECONDER:	Jacqui Thurlow-Lippisch
AYES:	Goss, Butler, Martinez, Meads, Roman, Steinle, Thurlow-Lippisch, Wagner
ABSTAIN:	Bergeron

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30. C-43 Reservoir Project Change Order Limit Increase (Staff contact, Jennifer Reynolds, ext. 6672)

Ms. Reynolds provided an overview of the C-43 reservoir project change order limit increase, and a resolution for Board consideration.

Public Comment

None

Board Comment

In response to Mr. Martinez's question regarding monthly change order updates, Ms. Reynolds stated all negotiated change orders executed would be provided to the Board.

Mr. Steinle recommended staff from the Inspector General's office track overages from change order percentages and provide an update to the Board.

Ms. Roman requested staff provide an update on change order percentages for CERP projects to compare to current averages.

In response to Mr. Bergeron's question, Ms. Reynolds stated all project areas that needed remediation in the footprint of the reservoir had been identified and were included in the project estimate.

In response to Chairman Goss' question regarding the bids received on this item, Ms. Reynolds stated the contract with Harry Pepper & Associates was lower than other bids received.

Resolution No. 2020 - 0611 Authorize the District to negotiate change orders with Harry Pepper & Associates, Inc. (Contract Number 4600003780) and C43 Water Management Builders (Contract Number 4600003973) for the C-43 Reservoir Project, for an amount not to exceed \$10,000,000 for which dedicated funds (Save Our Everglades Trust Fund, Land Acquisition Trust Fund, and General Revenue) and Ad Valorem funds are budgeted in Fiscal Year 2019-2020 and any remaining is subject to Governing Board approval of future years budgets.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chauncey Goss, Chairman
SECONDER:	Charlette Roman
AYES:	Goss, Butler, Bergeron, Martinez, Meads, Roman, Steinle, Thurlow-Lippisch, Wagner

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31. Emergency Action by the Seminole Tribe of Florida (Steve Walker, Shareholder, Lewis Longman Walker, and Staff contacts, Paula Cobb, ext. 6232 and Armando Ramirez, ext. 6684)

Mr. Steven Walker, Lewis Longman & Walker, provided an overview of the Seminole Tribe of Florida Emergency Action.

Ms. Cobb stated staff would work with the Board, and the Seminole Tribe of Florida, prior to the July Board meeting to determine if a final order would need to be issued to memorialize the confirming actions.

Public Comment

None

Board Comment

None

This item is recorded at:

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Staff Reports

32. Monthly Financial Report - Candida Heater

- Emergency Procurements to Respond to COVID-19

Ms. Heater provided an update on the monthly financial report through the month of April 2020 and stated the Emergency Procurements to respond to COVID-19 report was included in the Board's meeting packet.

Board Comment

In response to Chairman Goss' question on legislative budget adjustments due to COVID-19, Ms. Heater stated there had been no changes reported related to funding for Everglades Restoration. Mr. Bartlett elaborated on the General Revenue and documentary stamps funding resources which could be affected due to COVID-19 and stated there was no indication either funding source would be affected. Additionally, Mr. Bartlett shared information on a relief fund provided by the Federal Act which could be utilized if necessary to assist during a recession, but at this time did not foresee any budget adjustments necessary to fulfill the District's mission due to COVID-19.

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33. General Counsel's Report

- Extension of Emergency Order to Respond to COVID-19

Ms. Cobb provided an update on the District's Emergency Order to respond to COVID-19 and stated the Order was extended to July 7th and was consistent with Governor DeSantis' Emergency Order.

34. Executive Director's Report - Drew Bartlett

Mr. Bartlett provided an update on the EAA Reservoir project; the 40E-61 Rule workshops; District COVID-19 operations; Irrigation Orders; and Fiscal Year 2020-2021 budget preparations. Also, Mr. Bartlett announced Ms. Paula Cobb had resigned from the District as General Counsel.

35. General Public Comment

Drew Martin, Sierra Club Loxahatchee Group
Nyla Pipes, One Florida Foundation
Doug Gaston, Audubon of Florida
Gary Ritter, Florida Farm Bureau Foundation
Newton Cook, United Waterfowlers of Florida, Inc.
Matt Pearce, Florida Cattlemen's Association
Adam Gelber, Department of Interior

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36. Board Comment

The Board conveyed appreciation to Ms. Cobb for dedicated service to the District and Board during tenure.

Ms. Thurlow-Lippisch requested staff provide an update on the Watershed Information Network (WIN) network.

Ms. Roman requested staff provide a future workshop on Biscayne Bay and related restoration projects. Mr. Bergeron concurred with this request.

Mr. Bergeron requested staff provide a workshop on the Modified Water Deliveries project to ENP and any impediments with moving the project forward.

Ms. Cobb thanked the Board, Executive Director, staff, and the public for the opportunity to serve as the District's General Counsel.

This item is recorded at:

sfwmd.igm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2012&Format=Agenda

37. Adjourn

Chairman Goss adjourned the meeting at approximately 3:30 PM.



Gina Kamak
Deputy District Clerk
South Florida Water Management District