



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING MINUTES

August 13, 2020

9:00 AM

via Communications Media Technology

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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
Ms. Roman led the Pledge of Allegiance.
3. Employee Recognitions
Mr. Bartlett presented employee recognitions for August Employee of the Month, Kevin Pagan and August Team of the Month, C-139 Abiaki Prairie Restoration Project - Gopher Tortoise Survey Team. Mr. Bartlett also shared a video in appreciation of staff's continuous effort in response to COVID-19.
4. Agenda Revisions
Ms. Byrd stated Consent Agenda item 18 had been postponed.
5. Agenda Item Abstentions by Board Members

Mr. Bergeron abstained from voting on Discussion item 26A. Mr. Bergeron's company, Bergeron Land Development, Inc., was the successful lowest responsive and responsible bidder in a sealed bid submitted to the District for the STA-1W Refurbishment Project.

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

Mr. Steinle provided an update from the Audit & Finance Committee meeting held on July 9th. Items discussed included an update on treasury investments, and Inspector General Audit reports for the Education Reimbursement Program and District matching of Save Our Everglades Trust Fund and Land Acquisition Trust Fund appropriations.

7. Consider Approval of the Minutes for the July 9th Meeting and the July 29th Lunch & Learn Workshop

RESULT:	ADOPTED [8 TO 0]
MOVER:	Scott Wagner, Vice-Chairman
SECONDER:	Ron Bergeron
AYES:	Goss, Butler, Bergeron, Meads, Roman, Steinle, Thurlow-Lippisch, Wagner
AWAY:	Martinez

This item is recorded at:

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8. General Public Comment

Newton Cook, United Waterfowlers of Florida, Inc.
Ryan Rossi, South Florida Water Coalition
Betty Argue, Indian Trail Improvement District
Drew Martin, Sierra Club Loxahatchee Group
Nyla Pipes, One Florida Foundation
Doug Gaston, Audubon Florida
Mike Elfenbein
Mark Perry, Florida Oceanographic
Michael Collins, Florida Bay Initiative
Gene Duncan, Miccosukee Tribe of Indians of Florida

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9. Board Comment

Ms. Thurlow-Lippisch provided an update on several site visit tours; suggested staff continue partnership efforts with local utilities and municipalities to support educating consumers on water use and water conservation; and, recommended staff review the Florida Senate House Bill 5003 Implementation Bill, 40E-61.

Mr. Bergeron announced staff would be meeting with the U.S. Fish and Wildlife Service (FWS), Florida Fish and Wildlife Conservation Commission

(FWC), and the U.S. Army Corps of Engineers (USACE) to discuss the Cape Sable seaside sparrow and endangered species, and address obstacles in moving more water south.

Mr. Steinle commented on the mandatory year-round irrigation ordinance and urged the public and stakeholders to assist with water conservation efforts by engaging with local municipal and county officials to encourage the adoption of an irrigation ordinance. At the request of Mr. Steinle, staff to provide a reference tool indicating which local municipalities and counties have adopted a mandatory year-round irrigation ordinance.

Ms. Roman provided an update on the 2020 Environmental Permitting Summer School, and the USACE Collier County Coastal Storm Risk Management Feasibility Study and Tentatively Selected Plan.

Ms. Meads encouraged the public and stakeholders to vote during the Primary Election and General Election to support the District's mission.

Mr. Martinez commended staff for efforts engaging stakeholders in Miami-Dade County to address issues such as canal debris removal and storage, and encouraged staff to continue researching innovative nutrient removal options to provide cost-saving alternatives for Storm Treatment Areas (STA) and improve water quality.

Chairman Goss thanked staff for efforts in preparing for Hurricane Isaias; welcomed General Counsel Carolyn Ansay; and, provided an update to the Board on Colonel Jason Kelley, USACE, who could serve as a conduit with state and federal partnership efforts.

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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

There were no public comments on the Consent Agenda.

12. Cattle Grazing Lease with Diamond 3 Cattle Company, LLC, St. Lucie County (Staff contact, Stephen M. Collins)

Resolution No. 2020 - 0801 Authorize a 10-year cattle grazing lease on 314.28 acres, more or less, in St. Lucie County with Diamond 3 Cattle Company, LLC. (Contract Number 4600004282)

13. Land Acquisition, Pennsuco Project, Miami-Dade County (Staff contact, Stephen M. Collins)

- Resolution No. 2020 - 0802** Acquire land interests containing 10 acres, more or less, in the amount of \$80,000, 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.
14. Release of Reservations (Staff contact, Stephen M. Collins)
Resolution No. 2020 - 0803 Release District canal and road reservations.
15. Partial Release of Easement, Henderson Creek Canal, Collier County (Staff contact, Stephen M. Collins)
Resolution No. 2020 - 0804 Release a portion of a maintenance and staging easement containing 0.09 acre, more or less, located in Section 2, Township 50 South, Range 26 East, Collier County, Henderson Creek Canal Project, to the Florida Department of Transportation at no cost.
16. Water Sampling and Access License Agreement, Miles Grant Country Club Inc., Martin County (Staff contact, Stephen M. Collins)
Resolution No. 2020 - 0805 Approve for the purpose of monitoring regional water quality, the acquisition of a Water Sampling and Access License Agreement, at no cost, to collect data from an aquifer production well on property owned by Miles Grant Country Club, Inc., in Martin County.
17. Comprehensive Everglades Restoration Plan Biological Control Implementation Project (Staff contact, Francois Laroche)
Resolution No. 2020 - 0806 Authorize entering into a five-year agreement with the United States Department of Agriculture - Agricultural Research Service for the Comprehensive Everglades Restoration Plan Biological Control Implementation Project in the amount of \$3,307,680 for which Ad Valorem funds are subject to Governing Board approval of the Fiscal Year 2020-2021 Adopted Budget and Governing Board approval of future years budgets. (Contract Number 4600004274)
18. *ITEM POSTPONED* Mowing Contract, Fort Lauderdale Field Station Area of Responsibility (Staff contact, Rich Virgil)
19. Pump Stations G-310, G-335, S-319 and S-362 Control Panel Upgrade Project, Palm Beach County (Staff contact, Alan Shirkey)
Resolution No. 2020 - 0808 Authorize entering into purchase order agreements with Fairbanks Morse LLC, the original equipment manufacturer of each engine control panel at Pump Stations G-310, G-335, S-319 and S-362, for the design, build, test, installation, startup and commissioning for the Control Panel Upgrade Project for an amount not-to-exceed \$4,000,000 for which \$1,300,000 in Ad Valorem funds are subject to Governing Board approval of the Fiscal Year 2020-2021 Adopted Budget and the remainder is subject to Governing Board approval of future years budgets.

20. Concurrence on Emergency Orders 2020-026-DAO; 2020-027-DAO; and 2020-028-DAO, and Order 2020-030-DAO (Staff contacts, Jennifer Smith and Carolyn Ansay)

Concurrence on Preparation for and Response to Hurricane Isaias.

21. Board Vote on Consent Agenda (12, 13, 14, 15, 16, 17, 19, 20)

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

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Technical Reports

22. Water Conditions Report - John P. Mitnik

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

Board Comment

Responding to Ms. Thurlow-Lippisch's questions on slide 11, Mr. Mitnik elaborated on inflow and outflow rates from southern Water Conservation Areas (WCA) into Everglades National Park (ENP). Ms. Thurlow-Lippisch then asked for details on the five outlet canals from the Central Everglades to tide to which Mr. Mitnik explained the C-51, Hillsboro, C-14, North New River, and Miami canals were outlet canals with limited capacity and were only used to discharge water as necessary for urban flood control.

At the request of Mr. Bergeron, staff to evaluate releases from the five outlet canals of the Central Everglades to tide to assist with increased canal capacity for the remainder of wet season. Mr. Bergeron then questioned flood mitigation efforts for the 8.5 Square Mile Area (SMA) to which Mr. Mitnik explained the flood mitigation features in that area were built as part of the Modified Water Deliveries project to prevent flooding, and due to high water levels in WCA-3 investigations were underway to collect data and evaluate structure performance to provide improvements to the system if needed. Mr. Mitnik stated staff would provide an update to the Board once investigations were complete. At the request of Mr. Bergeron, staff to research construction of three additional culverts on the west side of WCA-3 to allow additional flows to the Ten Thousand Islands, and research partnering with FWS to relax constraints on the S-12A and S-12B structures to aid wildlife in ENP.

In response to Ms. Roman's questions, Mr. Mitnik elaborated on limitations with moving water south at the southern end of the system during high water levels in WCAs. At the request of Ms. Roman, staff to provide a list of limiting factors associated with moving water south into ENP and include a list of projects and project timelines which would address limitations.

In response to Ms. Meads' question regarding pumping water to supplement current gravity flows into ENP, Mr. Mitnik explained all structures were gravity driven except for the seepage pumps which could be deployed by temporary pumps to deliver additional flows into the L-29 canal.

In response to Mr. Martinez's question regarding flood mitigation in the 8.5 SMA, Mr. Mitnik explained aggressive pumping operations were being implemented to draw canal levels down. Mr. Martinez then asked what flood mitigation efforts were in place for the agricultural area south of the 8.5 SMA to which Mr. Mitnik stated a seepage cut-off wall project was being implemented to provide flood mitigation to this area and a modeling team was formulating analysis on the project which would be provided to the Board once complete.

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23. 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

Responding to Ms. Thurlow-Lippisch's questions on slide 16, Mr. Glenn elaborated on the purpose of the Everglades Agricultural Area (EAA) STAs. Mr. Bartlett further explained collaborative efforts with the Everglades Agricultural Area Environmental Protection District (EAA EPD), a special District created by Florida law through an interlocal agreement, engaged staff to research STAs and BMPs and evaluate performance and water quality goals. Mr. Glenn further added STA research from the EAA EPD was also included in Restoration Strategies reporting. At the request of Ms. Thurlow-Lippisch, staff to provide feedback to the Board on EAA EPD reporting which addressed EAA STAs of concern, and a timeline projecting improvement to these STAs. Mr. Bartlett stated the Clean Water Act permit established STA water quality goals to reach phosphorus levels of 13 by 2025, and staff would assist with coordinating a meeting with EAA EPD to discuss these goals, along with partnership efforts.

Mr. Steinle concurred with Mr. Martinez's comments to optimize innovative technologies in an attempt to create a more cost-effective and meaningful solution to water treatment, and suggested staff research companies that could work in conjunction with STAs to offer water treatment on a pay by performance model where profits were earned by the amount of nutrients removed. Additionally, Mr. Steinle suggested staff continue to work with the Legislature and the Florida Department of Environmental Protection (DEP) to receive acknowledgement of these options.

24. Public Comment

Laura Reynolds, Florida Keys Fishing Guides Association

Mike Eifenbein
Newton Cook, United Waterfowlers of Florida, Inc.
Nyla Pipes, One Florida Foundation
Eve Samples, Friends of the Everglades, Inc.
Mark Perry, Florida Oceanographic
Doug Gaston, Audubon Florida
Drew Martin, Sierra Club Loxahatchee Group
Michael Conner

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Discussion Agenda

25. Land Assessment Update (Staff contact, Stephen M. Collins)

Mr. Collins provided a presentation on the process for land assessments and surplus.

Board Comment

In response to Chairman Goss' question, Mr. Collins confirmed the surplus land provided in the report was not for sale.

In response to Ms. Thurlow-Lippisch's question, Mr. Collins stated a map of Martin County surplus land was not included in the report but would be provided to the Board. Ms. Thurlow-Lippisch then asked staff to consider public use with surplus land, especially surplus land located near parks.

Ms. Roman suggested staff use caution when considering surplus land in Lee County which could be considered for water quality storage purposes, or surplus land near the C-43 Reservoir Water Feasibility Study or the Caloosahatchee Watershed.

In response to Ms. Meads' question, Mr. Collins stated the purpose of today's presentation was to see if the Board would like to consider surplus land recommended by staff as no longer needed. To this, Mr. Collins stated if there was interest in surplus action, staff would readdress the Board at a future Board meeting with a detailed in-depth report of surplus land for Board consideration. Ms. Meads then requested staff provide a detailed surplus land list for careful consideration by the Board. Chairman Goss concurred with Ms. Meads' request and suggested staff provide future land surplus recommendations to the Board on a parcel by parcel basis and include land purchase history, land value, and what costs were involved to hold on to the surplus property.

Mr. Bergeron commented on the importance of proving District owned surplus properties were unfit for the safety and welfare of the general public.

In response to Mr. Butler's question regarding removal of land developmental rights prior to selling surplus land, Mr. Collins stated this practice had been

used with past surplus sales and could be considered for future surplus lands as well.

Mr. Bartlett stated staff would arrange to meet with Board members, and local representatives, to visit surplus properties and explore interests in surplus land or land swaps prior to presenting surplus land to the Board for discussion.

Mr. Bergeron suggested staff research using surplus funds to invest in land that could be used for Everglades restoration projects. Mr. Bartlett concurred with Mr. Bergeron's suggestions and stated the 18,000 acres recently purchased in the Central Everglades to prevent oil and gas exploration was purchased from previous surplus land sales.

Public Comment

Drew Martin, Sierra Club Loxahatchee Group
Laura Reynolds
Marissa Carrozzo, Conservancy of Southwest Florida
James Evans, City of Sanibel
Michael Collins, Florida Bay Initiative

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26. Stormwater Treatment Area-1W Projects, Palm Beach County (Staff contact, Alan Shirkey)

Mr. Shirkey provided a presentation on Stormwater Treatment Areas (STA)-1W projects, and resolutions for Board consideration.

Board Comment

The Board and Ms. Ansay discussed Chapter 112, Florida Statutes.

Mr. Butler and Mr. Shirkey discussed the District's performance and project assurance history with Bergeron Land Development, Inc. and Thalle Construction Company, Inc.

The Board and Mr. Shirkey and Mr. Bartlett discussed the project's restoration strategies and goals, project costs, and funding.

In response to Mr. Steinle's questions, Ms. Heater provided an overview of the solicitation process and sealed bid procurement process. Ms. Ansay explained the legal guidelines and the written opinion made by the Florida Commission on Ethics after Mr. Bergeron's appointment.

Mr. Martinez, Mr. Shirkey, and Mr. Bartlett discussed the project's expansion canals, connecting canals, and construction footprint. Mr. Martinez recommended staff continue to research innovative technologies for a more modern cost-efficient nutrient removal system and requested staff provide

updates to the Board where nutrient removal trial runs had been conducted with innovative technologies.

Ms. Roman echoed Mr. Martinez's suggestion and suggested staff research methods to keep nutrients from entering the waterways from the start.

Public Comment

Richard Weisskoff
Newton Cook, United Waterfowlers of Florida, Inc.
Michael Collins, Florida Bay Initiative
Drew Martin, Sierra Club Loxahatchee Group
Gene Lollis, Florida Cattlemen's Association

A. STA-1W Refurbishments Project

Mr. Bergeron abstained from voting on Discussion item 26A. Mr. Bergeron's company, Bergeron Land Development, Inc., was the successful lowest responsive and responsible bidder in a sealed bid submitted to the District for the STA-1W Refurbishment Project.

Resolution No. 2020 - 0809 Authorize entering into a 600-day contract with Bergeron Land Development, Inc., the lowest responsive and responsible bidder, for the STA-1W Refurbishments Project, in the amount of \$10,980,000, for which dedicated funds (Everglades Trust Fund) in the amount of \$100,000 are budgeted in Fiscal Year 2019-2020 and the remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600004296)

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

B. STA-1W Expansion #2 Stormwater Treatment Area Project

Resolution No. 2020 - 0810 Authorize entering into a 745-day agreement with Thalle Construction Company, Inc., the lowest responsive and responsible bidder for the STA-1W Expansion #2 STA Project, in the amount of \$96,800,000 for which \$1,000,000 in dedicated funds (Land Acquisition Trust Fund) and 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 4600004295)

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

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27. Floridan Aquifer System Exploratory Coring and Monitoring Well Construction (Staff contact, Jennifer Reynolds)

Ms. Reynolds provided a presentation on the Florida Aquifer System exploratory coring and monitoring well construction, and a resolution for Board consideration.

Public Comment

Dr. Thomas Van Lent, Everglades Foundation
 Drew Martin, Sierra Club Loxahatchee Group
 Mark Perry, Florida Oceanographic
 Nyla Pipes, One Florida Foundation
 Gary Ritter, Florida Farm Bureau Foundation

Board Comment

In response to Mr. Butler's question regarding core boring size, Ms. Reynolds stated the core boring sizes were approximately 6 inches in diameter, and the Aquifer Storage and Recovery (ASR) well core boring sizes were approximately 18 - 24 inches in diameter.

Ms. Meads commented on Dr. Van Lent's suggestion to address the uncertainties of the project and apply a peer review science plan prior to instituting the construction plan, and prior to spending \$14M on the project.

Ms. Thurlow-Lippisch and Ms. Reynolds discussed the Lake Okeechobee Watershed Restoration Project (LOWRP) state appropriations for Fiscal Year 2019-2020 and Fiscal Year 2020-2021; ASR clusters on the L-63N, C-59, L-63S, L-63N, and the Kissimmee River Pilot; the LOWRP ASR Program Schedule; Central Florida Water Initiative (CFWI) coring; and, the Northern Everglades and Estuaries Protection Program (NEEPP) coring.

Responding to Mr. Bergeron's question regarding if the unit price scope of work was competitive, Ms. Reynolds stated this type of work had been conducted in the past and information was received from ongoing contracts executed by others to help negotiate unit prices which began with the original bid at over \$4.6M and which staff negotiated down to \$4.4M.

Ms. Roman and Ms. Reynolds discussed the history of the ASR science and exploration; the two monitoring ASR pilot wells north of Lake Okeechobee; the formulation of the project's science plan and road map; and, CFWI collaborative efforts with project planning and permitting. At the request of

Ms. Roman, Mr. Bartlett stated staff would provide a published science plan and road map for the public to view and comment following the project's peer review.

Resolution No. 2020 - 0811 Authorize entering into a 3-year work order contract with two 1-year extensions with Huss Drilling, Inc., the lowest responsive and responsible bidder, for the Floridan Aquifer System Exploratory Coring and Monitoring Well Construction Program, in an amount not to exceed \$14,000,000, for which \$100,000 in dedicated funds (State General Revenue and Land Acquisition Trust Fund Revenue) and 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 4600004288)

RESULT:	ADOPTED [7 TO 2]
MOVER:	Scott Wagner, Vice-Chairman
SECONDER:	Ron Bergeron
AYES:	Goss, Butler, Bergeron, Martinez, Roman, Steinle, Wagner
NAYS:	Meads, Thurlow-Lippisch

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Staff Reports

28. Monthly Financial Report - Candida Heater

Ms. Heater provided an update on the monthly financial report through the month of June 2020.

29. General Counsel's Report - Carolyn Ansay

Ms. Ansay reaffirmed commitment to transparency and enhanced communication methods during attorney-client sessions, and practice of preventative law through communication with outside attorneys to resolve issues prior to litigation.

30. Executive Director's Report - Drew Bartlett

Mr. Bartlett provided an update on District COVID-19 operations; Water Resources Accountability and Collaboration (WRAC) meeting; Florida Department of Transportation correspondence regarding an update on relieving the constraints on Tamiami Trail; water ordinance water restrictions; USACE correspondence regarding the Lake Okeechobee Regulation Schedule (LORS) and Combined Operation Plan (COP); and, the District's social media sites.

31. General Public Comment

Tom MacVicar
Drew Martin, Sierra Club Loxahatchee Group
Mary Perry, Florida Oceanographic

Eve Samples, Friends of the Everglades, Inc.
Richard Weisskoff

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32. Board Comment

Ms. Thurlow-Lippisch thanked Congressman Mast for introducing legislation to prohibit discharges to the St. Lucie River at 8 parts-per-billion and thanked Mr. Chuck Olson for the Bluefield Mitigation Bank tour.

Mr. Bergeron suggested staff continue researching the five avenues in southern releases to lower WCAs to a capacity to send more water south.

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33. Adjourn

Chairman Goss adjourned the meeting at approximately 4:10 PM.



Gina Kamak
Deputy District Clerk
South Florida Water Management District\