

MINUTES OF THE REGULAR BOARD MEETING
of the
LAKE COUNTY WATER AUTHORITY
May 23, 2018

The Regular Hearing of the Board of Trustees of the Lake County Water Authority was held at 3:30 p.m. on Wednesday, May 23, 2018 in the Lake County Administration Building, County Commissioners Chambers at 315 West Main Street, Tavares, Florida.

Members Present-District #

Doug Bryant, Chairman (#4)
Amy Stone, Vice-Chair (#5)
Keith A. Farnier, (At Large)
Adam Dufresne, Chairman (At Large)

Staff Present

Michael J. Perry, Executive Director
Ron Hart, Water Resources Director
Dr. Jason Danaher, Water Resources Proj. Manager
Patricia Burgos, Land Resources Liaison
Ben Garcia, IT Manager
Christina Rider, Executive Office Manager
Anna Ely, Recording Secretary
Carole J. Barice, LCWA Attorney

A list of others present that signed the attendance roster is filed in the permanent files of the Water Authority.

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

The meeting was called to order at 3:35 p.m. and everyone stood and recited the Pledge of Allegiance.

2. APPROVAL OF MINUTES

MR. FARNER MADE A MOTION TO APPROVE THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY MEETING OF APRIL 25, 2018 - REGULAR MEETING. Mr. Dufresne seconded the motion.

Motion approved 4-0.

MR. FARNER MADE A MOTION TO APPROVE THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY MEETING OF MAY 21, 2018 - SPECIAL MEETING.

Vice Chair Stone seconded the motion.

Motion approved 4-0.

3. EXECUTIVE DIRECTOR REPORT

Mr. Perry addressed the Board and gave the water level and rainfall report. He reported that the area has been having an unusual late spring, early summer rain pattern. He stated that since it started raining last week, the rain gauge at Villa City in south Lake County has registered almost

nine inches of rain. He noted that the rain gauge at M-1 registered approximately seven and a half inches during the same period.

He stated that in early May, before the rains began, Big Creek was almost at no flow, and due to the rain, the flow is up to 20 cfs. He noted, that as a reference, that just after the hurricane in October of 2017, the flow was approximately 409 cfs.

He stated that Little Creek has also responded to the rainfall. He explained that Little Creek is a little flashier as it stages up and drains off again at a faster rate than Big Creek.

Mr. Perry stated that Lake Apopka is over Regulation Schedule and because of that, the District has opened the gates again and the flow through NuRF is now at 240-270 cfs. He noted that prior to the rain, the flow through NuRF was down to 10 cfs.

He reported that the Lake Eustis and Lake Harris are nearing Maximum Desirable. He noted that the Maximum Desirable for Lake Dora is higher than for Lake Eustis and Lake Harris and although Lake Dora has also staged up, it is nowhere near Maximum Desirable.

He stated that currently the flow through the Moss Bluff Lock and Dam is at 1600 cfs, and approximately 926 cfs flowing through the Burrell Lock and Dam.

Mr. Perry stated that with 270 cfs flowing through the NuRF facility, staff will be going back to three shifts a day at the facility, until Lake Apopka gets back down toward Regulatory Schedule.

He noted that currently there is a large tropical depression in the gulf that is expected to bring two to six inches of rain, depending on the path it takes. He explained that staff is preparing for the possibility of heavy rainfall, by opening the flow through the Cherry Lake structure to 100 cfs. He noted that both Dr. Danaher and Christina Rider are now trained in opening and closing the structure, should they be needed.

Mr. Perry stated that if we get all the rain expected and the District get concerned with the water level of Lake Apopka, they may increase the flow through the NuRF even higher and could possibly let water out the gate.

Mr. Farner stated that he would hope that the District wouldn't open gate to let water through, unless the flow through the NuRF is at maximum capacity.

Mr. Perry noted that depending on the amount of rainfall we receive, staff could be running NuRF at maximum capacity for quite some time.

Mr. Farner asked if the alum supply was on track and if they had a good, reliable source, and Mr. Perry and Mr. Hart stated that they do.

Chairman Bryant noted that Mr. Perry has described the District's handling of flows through the Apopka-Beauclair Lock and Dam as "hard on the gas and hard on the brakes" and asked if there has been any progress during talks with the District, on regulating the flow so that is not such a drastic change.

Mr. Perry stated that they touched on it and let them know that there are issues, but there has not been any resolution. He stated that he has talked with other senior staff at the District, so they are informed. He noted that the District's priority is flood control.

He stated that he doesn't foresee any issues, but if the water level continues to creep up toward Maximum Desirable, we could be operating NuRF at peak capacity for quite some time.

Mr. Farner asked if the ponds are cleaned out, and Mr. Perry stated that there is a small amount of material in the ponds, but they are a little bit cleaner than when Hurricane Irma hit.

Mr. Perry stated that one of the dredges has been down for the last couple of weeks due to a broken drive shaft, and staff is waiting for those parts to arrive.

Mr. Perry also noted through the end of April, rainfall in South Lake County was still at a deficit, as all the rain has been in May. He noted that once the May rainfall totals are in, that will change substantially. He explained that the Regulatory Schedule on the Clermont Chain is from 96 to 97.5 msl, with the current level of Lake Minnehaha at approximately 93.8 msl, which is about a foot and a half higher than this time last year.

He updated the Board regarding NuRF and stated that the facility has been in operation since Hurricane Irma, we are now approaching the budgeted amount for alum. He explained that the Agency has spent approximately 1.7 million of the 2.1 million that was budgeted for alum, for the year. He stated that they are also at the upper end of polymer budget.

He stated that they might possibly make it to the next Board meeting, but with the wet weather, he would like the Board to authorize staff to dip into the alum reserves up to \$500,000, should it be needed between now and the next meeting.

MR. FARNER MADE A MOTION TO AUTHORIZE STAFF TO USE UP TO \$500,000 OF RESERVES, IN CASE IT IS NEEDED TO SUPPLY OUR NURF PROJECT WITH ALUM. (The intention of the motion is also to include the purchase of polymer if needed).

Vice Chair Stone seconded the motion.

Motion approved 4-0.

Mr. Perry updated the Board with before and after aerials of Lake Yale's Marsh Park. He showed an aerial video of Lake Yale made by the Sheriff's Department and pointed out the area where the floating islands and tussocks were removed.

Mr. Perry also informed the Board that in follow up to the Board's discussion on releasing a bid for Human Resources Services and/or a bid to determine whether we can get a better insurance coverage.

He stated that staff has done research related to traditional insurance and noted that there is a group call Preferred Government Insurance Trust that has provided the Agency with a long list of HR topics that they could help the Agency with, and possibly save the Water Authority some money.

He stated that he is asking the Board to allow staff to release a bid for insurance and Human Resources Services consistent with their prior discussion.

VICE CHAIR STONE MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO RELEASE A REQUEST FOR BID FOR HR SERVICES AND/OR NEW INSURANCE SERVICES THAT COVERS HR SERVICES. Mr. Farner seconded the motion.

Mr. Farner asked if the Water Authority could utilize the County's HR Department and Mr. Perry stated that they could check into it. Vice Chair Stone stated that HR Services should be included as part of the insurance company that they choose. She noted that it would be an open bid process.

Motion approved 4-0.

Mr. Perry stated that he would like to recommend Deputy Charles Pendergrass as site resident for the Bourlay House. He noted that after putting in many hours repairing and restoring the home, he wants to ensure that they have a site resident who will take good care of the house. He stated that Deputy Pendergrass works as a Marine Patrol Deputy under Matt Farner, and both Matt Farner and the Sheriff have concurred that he would be a good candidate. He stated that he has complete confidence in Deputy Pendergrass' abilities.

MR. FARNER MADE A MOTION TO ACCEPT DEPUTY PENDERGRASS AS RESIDENT AT THE BOURLAY PROPERTY. Vice Chair Stone seconded the motion.

Motion approved 4-0.

Chairman Bryant stated that Tab 11 was being pulled from the agenda, and would not be heard at this time. He stated that it would be back on the agenda at a later date.

4. CONSENT ITEMS

None

5. ACTION ITEMS

a. Approval to Transmit Annual Report

Mr. Perry stated that the Water Authority is required by its enabling legislation to prepare Annual Report that goes to the State Legislature and the County Commissioners, and the St. Johns Water Management District, that summarizes the things that the Agency has done over the previous year. He stated that they are also required to prepare a Five-Year Plan that lists possible projects and plans for the future.

He stated that he has provided each of them with a copy of the Annual Report and Five-Year Plan, the Board can choose to give staff permission to send the Report as is, or they could choose to allow more time for Board Members to provide comments and/or revisions to the Executive Director and then bring it back for approval at the next meeting.

The Board requested a couple more weeks to allow time for comments and to bring it back at the June meeting.

b. Authorization to Release Timber Bid - UPDATE

Ms. Burgos explained that the contractor originally hired to oversee the harvest the timber at Wolf Branch Sink is retiring and has requested to back out. She stated that he did recommend another forester, who happens to be a Board approved Land Contractor. She explained that with the recent rain, the timber is more desirable. She stated that staff would like permission to transfer from the original contractor to the the other Board approved contractor. She noted that the cost with increase by \$500, but also noted that the revenue received from the timber would also be greater due to the rains.

Ms. Burgos stated that thinning the timber helps to reduce the fire hazard and open up the canopy and allow ground cover to grow. She explained that staff and contractors had planted long-leaf pine before she began working for the Water Authority. She stated that the density of the long-leaf pines is too high and they are growing together, which results in the trees subcoming to more disease. She noted that the harvest would be of long-leaf pines and a few sand pines, slash pines and oak trees that are nearing the end of life.

1. Approve Alshouse & Associates' proposal for an amount not to exceed \$10,700 to oversee the Wolf Branch Sink Preserve Timber Harvest project.
2. Authorize transfer of \$10,700 from Account 720-460, Repair and Maintenance, to Account 720-340, Other Contractual Services, to pay the Contactor/Forester to oversee the Wolf Branch Sink Timber Harvest.

MR. FARNER MADE A MOTION TO APPROVE ALSHOUSE & ASSOCIATES' PROPOSAL FOR AN AMOUNT NOT TO EXCEED \$10,700 TO OVERSEE THE WOLF BRANCH SINK PRESERVE TIMBER HARVEST PROJECT and

TO AUTHORIZE TRANSFER OF \$10,700 FROM ACCOUNT 720-460, REPAIR AND MAINTENANCE, TO ACCOUNT 720-340, OTHER CONTRACTUAL SERVICES, TO PAY THE CONTRACTOR/FORESTER TO OVERSEE THE WOLF BRANCH SINK TIMBER HARVEST. Mr. Dufresne seconded the motion.

Motion approved 4-0.

Ms. Burgos stated that staff will be coming back to the Board with the results of the bid.

c. Manatee Naming Contest Results

Mr. Hart explained that last year the Agency began a naming program for Leesburg's calf, as he was pregnant and expected to give birth around May of 2017. He stated that in June of 2017, a resident in Eustis called to say they had seen a manatee and calf in Lake Eustis.

He stated that it was presumed to be Leesburg and her calf, sjo the Water Authority began their naming contest. He stated that although sixty names were submitted, but there were no further

sightings or Leesburg and her calf. He explained that fortunately, when Sea2Shore was going through their photos of the manatees within the St. Johns River this winter, they came across a photo of Leesburg and her calf.

He stated that with confirmation that Leesburg and her calf were doing well, the Water Authority immediately revived the naming process. He explained that staff went through the sixty names submitted and started the process of submitting them to Sea2Shore for approval.

He stated that over twenty names were submitted to Sea2Shore before they had four names that have not been used to name other manatees. He explained that those four names were then put on the website for the public to vote with the name *Sunset* bringing in the most votes.

MR. DUFRESNE MADE A MOTION TO AUTHORIZE STAFF TO SUBMIT THE NAME OF SUNSET FOR THE NAME OF LEESBURG'S CALF.

There was no second to the motion at that time and Vice Chair Stone suggested that they poll the audience. Eleven people voted for Sunset, three for Miracle, three for Tavares, and four for Sherbet.

MR. FARNER MADE A MOTION TO AUTHORIZE STAFF TO SUBMIT THE NAME SUNSET AS THE NAME FOR LEESBURG'S CALF. Vice Chair Stone seconded the motion.

Motion approved 4-0

d. NuRF Dredge Pipeline Purchase

Mr. Hart addressed the Board and noted that they had previously discussed purchasing dredge pipeline to be used at the NuRF, and they had discussed the possibility of purchasing the existing pipeline, that is owned by Jahna.

He stated that Jahna had given him a price quote of \$13,322 for the pipeline that is already in place, and noted that he had also researched the cost of new pipeline and found that even if they were to buy the cheapest pipeline available, it would cost over twice the amount of purchasing the pipeline from Jahna.

He explained that the additional cost would be due to the fact that the Agency would have to pay Jahna over \$8,000 for demobilization and removal of their pipeline, plus the cost of new pipeline as well as paying several thousand dollars for the installation of the pipe. He explained that by purchasing the pipeline from Jahna, they will not have to pay the demobilization costs.

Mr. Farner asked about the quality and condition of the pipe and whether it would last ten years and Mr. Hart explained that although the piping is used and has been fused in places, it should last at least ten years. It was noted that should a portion fail, that section could be replaced.

Vice Chair Stone stated that the piping, although used, is one of the most robust pipes available.

VICE CHAIR STONE MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO PURCHASE THE ON-SITE HDPE PIPELINE FROM JAHNA FOR \$13,322 AND ELIMINATE THE \$8,770 COST OF DEMOBILIZATION FROM THEIR CONTRACT. Mr. Farner seconded the motion.

Mr. Farner asked where the pipeline would connect into the system and Mr. Hart explained that the pipeline would discharge from the West Pond into a wet disposal area.

Motion approved 4 -0.

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6. DISCUSSION ITEMS

a. Request for Additional Sawgrass Island Preserve Access Gate

Ms. Burgos stated that this topic was brought up by members of the public at the last meeting and the applicants have furnished a formalized request as instructed at that meeting. She showed an aerial and pointed out the location of the property and the location of the proposed access gate and right-of-way.

Ms. Burgos pointed out the location of the proposed gate and explained that residents would come down Trails End to where it meets the fence at Sawgrass Preserve. She stated that a gate will be placed in the fence that is wide enough for people and horses but not wide enough for vehicles.

Vice Chair Stone asked who would open and close the gate daily and Ms. Burgos explained that usually the walk-through gates are just walk through, and remain open all the time. She noted that the residents have offered to provide a gate that could be closed, but it would only be closed during hurricanes and prescribed fires.

Kathy Wainwright stated there are quite a bit of confusion when they first requested the access, as to whether the request went into the preserve itself, but it they are only access into the public access road that is open 24 hours a day. She stated that there are quite a few people on Em En El North that have horses, as well as north on Thomas Boat Landing Road. She noted that the trails that most prefer to ride are accessed from the north parking lot they would like to be able to access the preserve without having to ride along Thomas Boat Landing Road. She explained that the residents along Trails End are willing to pay for any costs, including a survey if it is needed.

Ms. Wainwright stated that Ms. Laferriere has suggested that maybe it could be done on a temporary basis and if it didn't work out, it could be closed, but she (Ms. Wainwright) thought this access would work out and keep them off busy Thomas Boat Landing Road.

Mr. Farner stated that his concerns are the legalities of the width of the easement and the fact that there is no public parking. He stated that he would be okay with a temporary trial run.

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Liz Laferriere addressed the Board and stated that anyone coming from out of the area are going to trailer their horses in and would be using the access road and the parking lot and not the would proposed entrance. She stated that she thought a temporary gate would be a good idea.

Chairman Bryant noted that the Board has temporarily allowed other activities on other preserves, and it is sometimes difficult to end it, if the Agency doesn't feel it is working out. Ms. Laferriere suggested that the sign could state that the gate is only temporary, with the date posted on the sign.

Chairman Bryant stated that Water Authority properties have never been intended to be parks, they are preserves and intended to provide water protection. He stated that his heart says why not, and he thinks they would use it respectfully, but he still questions whether they really want to start creating more access to existing preserves, and creating a precedence.

Mr. Dufresne stated that he feels the same as Chairman Bryant, his heart is for allowing the gate, but it could be opening a can of worms for the future.

Several other residents addressed the Board, all speaking in favor of the walk-through gate and noted that it would make the preserve more easily accessible by residents, horseback riders and joggers. They compared their request to the Julia entrance on the south side of the preserve.

Ms. Burgos explained that the Julia gate was decided upon by the Board at that time prior to her hire. She stated that it appears that the Board wanted an eastern entrance and western entrance to the preserve. She explained that there is a kiosk and walk-through gate, and just enough space outside the gate for one or two cars to park.

Ms. Burgos noted that there used to be a third entrance to the preserve, but it was closed in the mid-2000s because people were riding horses and ATVs through the lake.

Chairman Bryant stated that he would like to hear staff's thoughts on whether it would set a precedence and any issues with controlling entrances.

Ms. Burgos stated that usually the gates are only closed due to hurricanes, storm debris, safety issues, and during prescribed fires, and that there shouldn't be any issues to shutting the gate.

Mr. Dufresne stated that logistically, it would be not that much of a problem to have a gate at that location and Ms. Wainwright noted that there are only four properties that share the border along the access road.

Vice Chair Stone stated that they also can't forget the preserves are not meant to be primarily a park, and staff is trying to manage the preserves for their intended purposes or protecting the aquifer recharge areas and water in Lake County.

Derrick Shipman addressed the Board and stated that he own's the property where they are requesting an easement and the gate into the preserve. He stated that doesn't own horses, but it willing for them to access the preserve across his property. He stated that there would be no impact to the Water Authority, as the same people would be accessing the property, and there wouldn't be any directional signs pointing out the new access gate.

Ms. Burgos noted that there would be the additional duty for the site resident or staff member to close the gate when weather or conditions require its closure.

Mr. Shipman stated that anyone going to close the main gate would have to pass by the walk-through gate, and it would only take a moment to stop and close the gate. It was noted that they are not asking for a drive-through gate and there won't be a sign out on Thomas Boat Landing Road pointing out how to access the preserve from Trails End.

Vice Chair Stone stated that they need to keep in mind that it is not just at Sawgrass Preserve where they need to worry about setting a precedence.

Mr. Farner stated that this is his concern as well, and developers have already begun approaching the Water Authority regarding entrances to other preserves. He stated that he would like more information regarding the legal aspects of creating a private walk through and right-of-way. He stated that he would be willing to do this on a temporary basis, but the way their proposal reads at this time, he would be against making it permanent.

Chairman Bryant stated that he thinks they are looking at a minimal impact to the staff and the preserve and the thing that is swaying him is that this is a unique situation, that we don't see at other preserves. He stated that he would be in favor of a temporary trial, but is not sure where Mr. Dufresne and Vice Chair Stone stand on that.

Mr. Farner stated that he wants Water Authority staff involved and everything needs to be done to our staff's satisfaction.

MR. DUFRESNE MADE A MOTION AUTHORIZE STAFF TO PUT A GATE AT THE END OF TRAILS END LANE, INTO THE PARKING LOT ACCESS ROAD AT SAWGRASS PRESERVE, ON A TEMPORARY BASIS, TO BE RE-EXAMINED ONE YEAR AFTER INSTALLATION. Mr. Farner seconded the motion.

Chairman Bryant reiterated that everything must meet with approval of Water Authority staff.

Motion approved 4-0.

7. PUBLIC COMMENT

Regina Daughtery addressed the Board and asked inquired as to who was responsible for spraying invasive plants in the Harris Road and Bay Street Canals. Mr. Perry informed her that she needed to contact Lake County Mosquito and Aquatic Plant Control.

Linda Moss addressed the Board regarding her concerns regarding the silt and muck coming from Lake Apopka, the Lake Jem Sod Farm and the NuRF. She informed the Board that she had met with John Miklos, Chairman of the Board, St. Johns River Water Management District, and felt that the meeting went very well. She stated that it had taken several trips to Palatka to speak to the St. Johns River Water Management Board, where Mr. Miklos he kept telling her that she was speaking to the wrong board before he started listening to her concerns. She stated that hopefully now she is making progress with the District.

She stated that she had informed Mr. Miklos that she felt Lake Jem Farms carries a large part of the blame for the nutrients in the water, both before and after the hurricane.

She stated that she understands that the Water Authority has completed a study about what can be done about Lake Jem Farms and stated that she would like to see a copy of the report. She asked that Water Authority please take another look at what can be done about the Lake Jem Farms, as hurricane season is coming up, and we could be soon in the same circumstances as last year.

Members of the Board stated that they understood her concerns, and Chairman Bryant stated that conversations between the District and the Water Authority about the situation are on-going. He stated that both agencies are aware of the problems out there, and some of the issues can be addressed, it will take time and money, as they can't be fixed overnight.

Ms. Moss stated that they didn't just need to take care of the problem now, but also plan for how to solve it from happening in the future.

CONTINUATION OF DISCUSSION ITEMS

b. Volleyball Fieldhouse Design/Construction Status

Mr. Clenney stated that the Volleyball Complex is getting incredible reviews and thanked the Water Authority Board for their support.

He gave a PowerPoint presentation (*contained as an exhibit in the back-up documentation*) to update the Board on the plans for the new Volleyball Fieldhouse. He showed conceptual drawings of the building and noted its proposed location. He showed the landscape plan and pointed out the trees that would need to be removed, and the placement of new trees and landscaping. He noted that they are looking at breaking ground the summer of 2018 and opening in Spring of 2019

Mr. Farner asked if the waterline issue had been addressed and Mr. Perry stated that it is being addressed and they are looking at several solutions. Mr. Perry stated that they have also been in discussions with Brad Hayes with the City of Tavares, about putting separate and remote meters.

Mr. Perry also informed the Board that the Water Authority needs a little more time to complete some of the projects that we agreed to in the contract, so staff would probably bring back a no-cost time extension amendment to the contract back to the Board for approval next month.

He noted that Mr. Clenney has been waiting for a memo from the Water Authority with permission to put in some signage and parking deterrents.

The Board Members were in agreement with Mr. Perry giving Mr. Clenney the go-ahead, and Mr. Perry stated that he would get a memo out to Mr. Clenney.

The Board took a short break at 5:50 pm. They returned at 6:13 pm and the meeting was continued.

d. Assisting Local Governments with Fertilizer Ordinance

Mr. Hart addressed the Board and stated that now that Lake County has adopted their new Fertilizer Ordinance, he would like the Board's approval to assist cities in Lake County in adopting their own ordinances. The Board was in agreement and gave approval for staff to assist the cities by providing technical support for the adopted Lake County Fertilizer Ordinance.

e. Lake Yale Sediment Inactivation Design/Build RFP

Dr. Danaher addressed the Board and gave a PowerPoint presentation (contained in the back-up documentation) about the next step in the Lake Yale Alum Treatment Project. He stated that it is going to be a rather large project and he wanted to give them an overview of what has been done and come different options that they may want to pursue in the future.

He reminded the Board of the study by Environmental Research and Design (ERD) that was completed in 2015/2016. He noted that one potential option would be a design/build contract and another would be to go with a company that can create a Design Criteria packet, and then proceed into a design/bid process based off that.

He stated that both options have advantages as well as disadvantages that he wanted to bring to their attention.

He stated that in 2015/2016 ERD completed a Nutrient Budget Analysis of Lake Yale, looking at historical data, as well setting up monitoring station within the lake and around the perimeter, to analyze and identify nutrients entering the lake.

He stated that ERD was able to identify that phosphorous was a limiting nutrient in Lake Yale, which means that when phosphorous become available in Lake Yale, it causes a continuous cycle of quick growth and die-off of algae.

Dr. Danaher explained that ERD came up with two different solutions with one solution being the mechanical removal of the phosphorous through dredging. He stated that ERD also looked into the cost for chemical inactivation, with aluminum sulfate, of the phosphorous in the lake.

He explained that after exploring the two different methods, it was noted that dredging would cost 45 times the cost per pound of phosphorous compared to chemical inactivation using aluminum sulfate.

He noted that based off that recommendation there was money set aside to pursue that a bit further. He stated that moving forward there are two different options for Requests for Proposals.

He explained that the one of the options would be a Design Build Contract, where the Water Authority would specify information in the bid, as well allowing access to the full report if the bidder needed additional information. He explained that a Design Build Contract would specify what the bid should address such as staging, equipment, etc.

Dr. Danaher noted that one of the advantages of a Design Build Contract would be that it could reduce the time required to begin the project. He stated that another advantage of a Design/Build Contract would be that more firms would be able to participate in the bidding process.

Dr. Danaher stated that the second option would be to release a bid for a firm to create Design Criteria Package, to create an application strategy plan and the winner of the bid would produce a Design Criteria Package, using information from the ERD report, to create an application strategy plan, and produce specific requirements, the Water Authority would then release another bid that other firms would then bid on, to treat Lake Yale accordingly to the plan.

He stated that one of the disadvantages of a Design Build Contract would be that while each bid will address the project, the technologies and application strategies may be different, and it would be difficult to compare the options.

He noted that disadvantages to a Design Criteria Package is that it adds an extra layer and time to the project start-up because it may take a few months to find a company to create the Design Criteria Package.

He explained that if they were to go with the Design Criteria Package, the company that produces the Design Criteria Package would then be ineligible to participate in the treatment of Lake Yale. He noted that as there are very few firms capable of executing a project of this scale it could eliminate potentially good company, if they were to partake in the Design Criteria Package.

He also noted that the Water Authority could potentially spend a lot of time trying to find a company to create a Design Criteria Package, and not get very many responses due to the fact that they wouldn't be able to bid on the Build.

Dr. Danaher stated that the recommendation at the moment would be to move forward with a Design Build Contract, which would leave it open for more companies to participate in the bid process, as well as cutting down on the design time of the project.

He explained that the one thing the Board needs to consider is whether or not ERD would be able to participate in the bid process for Design Build Contract. He stated that the concern as to whether ERD would be eligible due to the fact that they produced the report and did provide us with advice on how to move forward, and whether that qualified as a Design Criteria Package.

He stated that when you look at the Florida Statutes there are quite a few requirements for a Design Criteria Package and the ERD report does touch upon some of that, but not all of the criteria, as doesn't meet the full requirements.

Attorney Barice stated that Dr. Danaher has been very astute in summarizing the differences and potential conflicts when choosing whether to post a bid for a Design Build Contract or Design Criteria Package.

She stated that it presents a legal question more than a policy question, because what the Agency is considering doing isn't within the precise parameters of a Design Build Contract, which usually involves a building.

She stated that ERD has prepared a very detailed report that is 500 pages long, with information on various ways to treat the lake, including alum. She stated that there is enough detail that it is possible that there could be a bid protest. She noted that this area of the law is fraught with litigation. It was noted that it could possibly be considered a conflict of interest for ERD to participate.

Mr. Farner stated that as long as ERD is aware of the issues, and they've been through this type of bid process before. He stated that if they choose to bid on the project, the Water Authority can address any issues at that time.

Dr. Danaher stated that ERD is more like to want to bid on the application themselves, rather than to bid on a Design Criteria Package that would prevent them from bidding on the project itself.

Vice Chair Stone stated that according to what Attorney Barice had stated, it appears that they've skated a bit too close to it already and Attorney Barice noted that it would be a legitimate argument for a company to raise, if they were to want to protest.

Attorney Barice stated that in reference to a Request for Proposal the statute reads, "a person who develops a program for future implementation is not eligible to contract with the agency for any other contracts dealing with that specific subject matter" and "any firm in which a person has an interest, is not eligible to receive such contract." She stated but that is just related to that one particular contract.

She noted that in the Design Build section, the statute states "a design criteria professional who has been selected to prepare the Design Criteria Package is not eligible to render services under a Design Build Contract executed pursuant to the Design Criteria Package." She stated that the intent of the statute is pretty clear.

She stated that they could design the process so that it complies and gives everybody the opportunity to come up with the criteria to move forward, then possibly the agency would be in a good legal position.

Vice Chair Stone asked if there concern that we might not receive enough bids and Dr. Danaher stated that there is that possibility and we'd be eliminating a potential company. He stated that in his research, he has found possibly three companies that could handle such a project.

Vice Chair Stone stated that the Agency could put out the bid and if ERD were to respond, we could decide at that time whether to disqualify them for a conflict of interest or choose another bidder. She stated that they have the right to submit a bid, and the Agency has the right to refuse the bid. She asked if staff was planning to inform ERD they can't bid on the project and Dr. Danaher stated that it is up to the Board to decide.

Mr. Farner stated that with a Design Build Contract bid, the Agency just needs to specify what they want done, and it is up to those bidding to come up with a plan, then there would be no conflict. He stated that the plans would be different, but they would all need to address the requirements of the bid.

Dr. Danaher stated that it all comes down to how they want to treat the report that ERD created and whether that falls within a Design Criteria Package definition. He stated that if they were to post the bid as a Design Build Contract, there shouldn't be a conflict as they would all be different.

Mr. Perry noted that there are very few firms that can do this kind of work. He also explained that explained that to provide the Water Authority with an estimate of cost, ERD had to come up with a process for treating the lake and then go through the process of figuring out how much alum it would take and how long it would need to be treated.

Mr. Farner stated that the Agency has dealt with issues like this in the past and have chosen companies that were not the lowest bidder, if there appeared to be a valid reason.

Vice Chair Stone stated that she was concerned that the report could be considered a Design and Attorney Barice stated that the report does not meet the official definition and criteria of a Design Build Package, although it appears to meet the intent in other statutes.

It was noted that although the report did go in to a lot of specifics, quantities, timeframe, etc., anyone bidding on a Design Build Contract would be free to provide their own specific criteria.

Vice Chair Stone noted that as long as ERD didn't get into specific application methods and times, locations, etc. weren't spelled out in detail in the report, then there shouldn't be a problem.

Chairman Bryant the reason for the statue is to ensure that agencies don't design a project that is so specific that it would eliminate other companies. He stated that there is nothing in the reports from ERD to prevent anyone from being on a level playing field. He stated that he doesn't have a problem with putting out a bid for a Design Build Contract.

It was noted that the Board needs to provide direction to staff whether or not ERD would be eligible to participate in the bid process for a Design Build Contract and how to proceed forward with the bid process.

MR. FARNER MADE A MOTION TO GIVE STAFF AUTHORIZATION TO ALLOW THE RELEASE OF AN RFP FOR THE TREATMENT OF LAKE YALE TO DEAL WITH THE INTERNAL LOADING. Mr. Dufresne seconded the motion.

Mr. Farner stated that the Water Authority should look at obtaining help in funding from some of the agencies that are responsible in contributing to the condition of the lake. He noted that Hydrilla and grass carp had both been introduced to the lake by other agencies, and have contributed heavily to the condition of the lake.

Mr. Perry stated that he would be making a presentation at the Lake Harris Council meeting, and would have a chance to talk with Florida Fish and Wildlife and other agencies at that time.

Chairman Bryant stated that he assumes that they are still planning we are on a 4-year process and Mr. Perry stated that he didn't think they needed to be that specific, as someone might have a better plan.

Motion approved 4-0.

e. Lake Denham Acquisition

Mr. Hart stated that there have been several discussions regarding Lake Denham. He stated that Lake Denham would never be able to meet its loading levels as long as the sod farm is located adjacent to the lake.

He stated that in past years the Board and staff have discussed purchasing the farm, as it would be far cheaper to purchase the property than it would be to do a whole lake treatment to remove the phosphorous.

He explained that up until now the owners of the property have not been responsive, and as a last resort he had sent a letter to the managing company, asking them to please contact the Water Authority.

He stated that the property has been owned for years by Jerry Calhoun, who was once a singer on the Grand Ole Opry. He explained that the property is now managed by his children, and Dustin Calhoun had contacted him to inform him that they are interested in selling the property.

Mr. Hart noted that the owners do have another option for selling the property, as Black Cow has expressed an interest in acquiring the property, but Dustin Calhoun has stated that he would prefer that the Water Authority purchase the land and that the wetlands be protected.

Mr. Hart explained that previously when discussing the purchase, staff had only been looking at the purchase of the wetland areas and the muck farm, but Mr. Calhoun wants to also include another parcel that adjoins Flat Island Preserve. He pointed out the parcel on an aerial and stated that the area has been referred to as the “Clandestine Hideaway of the Stars” for several years as Jerry Calhoun would bring in stars from the Nashville area and Grand Ole Opry by airboat to camp on one of the islands in the wetlands. He noted that of the additional 205 acres, all but 10 acres are wetlands.

He informed the Board that the Calhoun family have asked that the Water Authority fast track the purchase as quickly as they could, noted that the District has stated they would fund the appraisal costs, but not the purchase of the property.

Mr. Hart stated that he needed to know if the Board is agreeable to adding the additional parcel to the acquisition of the property. He stated that if they are still interested in purchasing the property he would work with the District regarding the funding for the environmental appraisal or only fund up to the

Chairman Bryant stated that his only concern is if there should be a delay in getting the appraisal, whether it would jeopardize the purchase of the property.

Mr. Hart – it could – but thinks it would be reasonable – up to what the director

Mr. Perry stated that he would be comfortable with approving the cost of the appraisal if it is close \$5,000 to \$6,000, but if it is closer to \$10,000 they would bring it back to the Board.

Chairman Bryant asked Board members if they were comfortable with staff moving ahead with the appraisal as long as the cost is under \$10,000. Board members were in agreement with doing so.

MR. DUFRESNE MADE A MOTION TO AUTHORIZE STAFF TO WORK WITH SJRWMD TO SECURE AN APPRAISAL AND A PHASE 1 ENVIRONMENTAL ASSESSMENT FOR THE LAKE DENHAM MUCK FARM, WITH OR WITHOUT FUNDING FROM THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT. Mr. Farner seconded the motion.

Motion approved 4-0.

8. LEGAL STAFF REPORT

Attorney Barice stated that every July she has conflict with the date of the Board Meeting and informed the Board that she will have another attorney attend that meeting in her place.

She stated that the County Zoning Office has issued a Zoning conformance letter for Bear Track and a copy has been sent to FDEP. She noted that there is still an issue with the transfer of development rights, but hopefully everything is on the right track.

She reported on the progress of the Sawgrass Preserve restrooms and stated that she had talked with the attorneys with the Department of Health and feels like they are beginning to understand the issues and the DEP have stated that they will talk to the rules construction attorney.

She noted that in the meantime she has not received any more communications from Mr. Hoskins and he is not returning phone calls.

Chairman Bryant stated that he was under the impression that Mr. Hoskins had manufactured a top so that he could have the vacuum test completed.

Attorney Barice stated that Mr. Hoskins had everything lined up to do the vacuum test but after staff had informed him about the building code on windows that he was also going to have to comply with, she hasn't heard from him since.

She stated that it is unfortunate that the restroom is considered a vault instead of a port-a-potty.

Attorney Barice stated that there have been several public requests made to the Agency over the last few months. She stated that she would recommend creating a Public Records Policy, so that staff has a process to follow as to whether to charge Board Members, employees and/or someone outside of the Agency. She stated that it might be advisable for the Board to think about putting the topic on the agenda for a future board meeting.

Chairman Bryant agreed that it was something they should look into. He stated that most likely there are already some good policies and processes in place with other agencies and staff should take a look at them and bring it back to the Board.

Chairman Bryant informed the Board that Clerk of Court, Neil Kelly would be retiring, effective the end of June.

It was also noted that they need to think about setting a time limit for public comments, with a suggested limit of 5 to 10 minutes.

9. BOARD MEMBER COMMENTS

10. BOARD MEMBER ITEMS FOR FUTURE AGENDA

None

11. INFORMATION ITEMS

- a. Staff Reports
- b. Monthly Financial Reports – April 2018

12. ANNOUNCEMENT OF UPCOMING MEETINGS AND EVENTS

- Board Meeting - Wednesday, June 27, 2018 (3:30 pm)
BCC Chambers/Admin. Building

13. ADJOURNMENT

The meeting was adjourned at 7:26 p.m.