

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

JANUARY 19, 2016

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m. on January 19, 2016, at the District's Tampa Service Office. The following persons were present:

Board Members Present

Michael A. Babb, Chair
Randall S. Maggard, Vice Chair
Jeff Adams, Secretary
David W. Dunbar, Treasurer
H. Paul Senft, Member
George Mann, Member
Wendy Griffin, Member
Bryan Beswick, Member
Michael A. Moran, Member
Ed Armstrong, Member
Kelly Rice, Member
John Henslick, Member

Board Members Absent

Tommy Bronson, Member

Staff Members

Robert R. Beltran, Executive Director
Brian Armstrong, Assistant Executive Director
David T. Rathke, Chief of Staff
Karen West, General Counsel
Kurt Fritsch, Inspector General
John J. Campbell, Division Director
Ken Frink, Division Director
Mark A. Hammond, Division Director
Alba E. Más, Division Director

Board's Administrative Support

Cara Martin, Board & Executive Services Manager
Lori Manuel, Administrative Assistant

A list of others present who signed the attendance roster is filed in the permanent records of the District. This meeting was available for viewing through Internet streaming. Approved minutes from previous meetings can be found on the District's Web site (www.WaterMatters.org).

PUBLIC HEARING (Audio – 00:00)

1. Call to Order

Chair Michael Babb called the meeting to order and opened the public hearing. Secretary Adams stated a quorum was present.

2. Invocation and Pledge of Allegiance

Board Member Henslick offered the invocation. Chair Babb led the Pledge of Allegiance to the Flag of the United States of America.

Chair Babb introduced each member of the Governing Board. He noted that the Board meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Babb stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a "Request to Speak" card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Babb stated that comments would be limited to

three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

3. Employee Recognition

Chair Babb recognized employees who have reached at least 20 years in service with the District and thanked them for their service. Mr. Monte Ritter; Ms. Colleen Endres; Ms. Colleen Kruk; and Ms. Cynthia Taylor were recognized.

This item was provided for the Board's information, and no action was required

4. Additions/Deletions to Agenda

Section 120.525, Florida Statutes, allows the District to change the published agenda for good cause shown, as determined by the presiding officer.

Mr. Robert Beltran, Executive Director stated there were no additions or deletions.

Chair Babb stated he received four *Request to Speak* cards for the following agenda item which was moved from consent to discussion:

General Counsel's Report

20. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval

b. Final Order of Dismissal with Prejudice – Kenneth Monduori et al. v. Wilds Land Company, LLC, et al. and SWFWMD – ERP Application No. 702310

Chair Babb said there is good cause to amend the published agenda as allowed by Section 120.525, Florida Statutes. A motion was made to approve the amendments to the published agenda, as amended, which was seconded. The motion carried unanimously. (Audio 00:06:13)

5. Public Input for Issues Not Listed on the Published Agenda

Chair Babb noted at this time, the public is given an opportunity to comment on any topic not listed on the agenda. There three four *Request to Speak* cards submitted.

Ms. Janet Dougherty, Hillsborough County Environmental Protection Commission, thanked the District for their cooperation and outreach efforts regarding the Morris Bridge Sink project.

Mr. Rich Brown, Friends of the River, thanked the District for their cooperation and outreach efforts with the Morris Bridge Sink project.

Mr. John Ovink, Friends of the River, thanked the District for their cooperation and outreach efforts with the Morris Bridge Sink project.

CONSENT AGENDA

Chair Babb asked that before the Board considers action on the Consent Agenda whether there is anyone in the audience who wishes to address the Board regarding an item listed on the Consent Agenda.

Regulation Committee

6. Individual Water Use Permits Referred to the Governing Board a. WUP No. 20003832.009 - the Arlin Taylor Ranch Limited Partnership / Taylor's Farm and Ranch, Inc. (Manatee County)

Staff recommended the Board approve the proposed permit.

Operations, Lands and Resource Monitoring Committee

7. Acceptance of Donation for Fee Simple Parcel and Perpetual Easement for Access – Crystal Lakes Manor Well, SWF Parcel No. 13-020-142

Staff recommended the Board accept the donation of the fee simple interest in the well site and perpetual easement for access.

8. Approval of Non-Exclusive Utility Easement and Temporary License to Duke Energy for Pinellas County to Construct and Operate an Air Quality Monitoring Station in Sawgrass Lake Park – SWF Parcel No. 16-560-143X

Staff recommended the Board approve the temporary license agreement and authorize staff to execute it with Duke Energy to allow them to commence with construction and authorize and approve staff to negotiate a standard non-exclusive utility easement with the referenced terms and conditions, subject to the Office of General Counsel's approval, and obtain the Governing Board's execution of same.

9. Approval of Resident Security Officer Agreements for Security of the Green Swamp East Hampton Tract – SWF Parcel Number 10-200-1263X, Green Swamp West Tract 19-706-116X and the Lake Hancock Kent Tract 20-503-122X

Staff recommended the Board approve resident security officer leases for the Green Swamp East Hampton Tract SWF Parcel Number 10-200-1263X, Green Swamp West Tract SWF Parcel Number 19-706-116X and the Lake Hancock Kent Tract SWF Parcel Number 20-503-122X and authorize the Board to execute the agreements.

Resource Management Committee

10. 2016 Florida Department of Transportation Mitigation Program Plan

Staff recommended the Board approve the District's 2016 Florida Department of Transportation Mitigation Plan.

11. Budget Transfer – Pasco County Heritage Pines Residential Reclaimed Water Service Project (N547)

Staff recommended the Board transfer \$150,000 budgeted for the withdrawn City of St. Petersburg Snell Isle Stormwater Vaults Project (N733) to replace the lapsed funds for the Heritage Pines Residential Reclaimed Water Project (N547).

12. Groundwater Quality Source Evaluation for the Rainbow Springs Group (P104)

Staff recommended the Board approve initiation of the Groundwater Quality Source Evaluation for the Rainbow Springs, fully funded by the District (\$90,000), without FDEP revenue.

13. Lemon Bay Habitat Restoration (W560) Charlotte County

Staff recommended the Board authorize amending the Lemon Bay Habitat Restoration (W560) project agreement to reflect the increase in the project scope, and the additional funds secured through federal grant funding (\$420,000); and authorize the Assistant Executive Director to sign the amendment.

14. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Peck Sink Watershed in Hernando County to the Federal Emergency Management Agency (P324)

Staff recommended the Board authorize submittal of the preliminary FIRMs for the Peck Sink watershed in Hernando County to FEMA.

15. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Upper Peace River - Homeland Watershed in Polk County to the Federal Emergency Management Agency

Staff recommended the Board authorize staff to submit the preliminary FIRMs for the Upper Peace River - Homeland watershed in Polk County to FEMA.

16. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Crews Lake in Pasco County (P256)

Staff recommended the Board:

- A. Accept a report entitled, "Proposed Minimum and Guidance Levels for Crews Lake in Pasco County, Florida", dated January 18, 2016.
- B. Authorize staff to make any necessary minor clarifying edits to the report or rule language that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously adopted Guidance levels and to add new Guidance and Minimum Levels for Crews Lake in Pasco County as shown in the exhibit.

17. FARMS - Madmac Property Holdings, LLC (H733), Hillsborough County

Staff recommended the Board:

- 1) Approve the Madmac Property Holdings, LLC project for a not-to-exceed project reimbursement of \$10,556 with \$10,556 provided by the Governing Board;
- 2) Authorize the transfer of \$10,556 from fund 010 H017 Governing Board FARMS Fund to the H733 Madmac Property Holdings, LLC project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement

Finance/Outreach & Planning Committee

18. Revise Board Policy 130-2, Administrative Fees

Staff recommended the Board approve the policy changes as presented in the exhibits to this item.

19. Budget Transfer Report

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for December 2015.

General Counsel's Report

20. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval

a. Interagency Agreement Between the SJRWMD and the SWFWMD -- Designation of Regulatory Responsibility – Tom Thayer Citrus, Inc. – Lake County

Staff recommends the Board approve the Interagency Agreement between the St. Johns River Water Management District and the Southwest Florida Water Management District for Designation of Regulatory Responsibility for a WUP for Tom Thayer Citrus, Inc.

~~b. Final Order of Dismissal with Prejudice – Kenneth Monduori et al. v. Wilds Land Company, LLC, et al. and SWFWMD – ERP Application No. 702310~~

21. Rulemaking - None

Executive Director's Report

22. Approve Governing Board Meeting Minutes - December 15, 2015

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda as amended. Motion carried unanimously. (Audio 00:10:58)

Resource Management Committee

Discussion

23. Consent Item(s) Moved for Discussion – None

24. Peace River Manasota Regional Water Supply Authority Phase 1 Pipeline and Punta Gorda RO Projects

Mr. Mark Hammond, Resource Management Director, provided a presentation which included: Phase 1 Pipeline background information and Board requirements associated with approved funding.

Mr. Pat Lehman, Director of the Peace Regional Manasota Water Supply Authority (PRMWSA), outlined changes that have occurred since the July 21, 2014 Governing Board Meeting. This information included: adoption of a budget by the legislature that included four million dollars for the project; approval from the Florida Department of Environmental Protection (FDEP) of the funding agreement; the City of Punta Gorda (City) and the PRMWSA entered into an agreement; funding; and regional vision for 2035. Mr. Lehman explained this is a plant to plant connection that is estimated to cost 12 million dollars with a scheduled construction time line of 30 months. In addition, he explained that DeSoto County Board of County Commissioners adopted a resolution requesting cooperative funding from the District of the Phase 1 Interconnect through the authority as a Rural Economic Development Initiative (REDI).

Mr. Doug Manson, representing Manson, Bolves & Donaldson, explained a REDI community identifies economically disadvantaged area.

Mr. Hammond provided details of the agreement and explained the Board policy as related to cooperative funding agreements. He explained it is standard District practice to fund up to 75 percent for REDI projects through the Cooperative Funding Initiative (CFI). Because Desoto County is considered a REDI county, the Board is being asked to consider this project as a REDI project.

Mr. Beltran added that state statute allows 100 percent funding for REDI projects.

Mr. Hammond explained if the project comes in under the anticipated budget, any savings will be used to reduce the District's contribution. Discussion ensued.

Staff recommended the Board:

1. Consider funding 75 percent of the \$8 million balance (after state funds) for the PRMRWSA Phase 1 Interconnect and provide up to \$6 million for the project.
2. Approve funding the Punta Gorda RO project with the District contributing up to \$15.65 million.
3. Authorize the Assistant Executive Director to sign the agreements

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 00:38:14/00:44:05)

Submit & File Reports

25. Five-Year Water Resource Development Work Program

Mr. Hammond informed the Board that this is an annual report that is included in a consolidated report that will be submitted to the Florida Department of Environmental Protection (FDEP).

Routine Reports

26. Minimum Flows and Levels Report

27. Significant Water Resource and Development Projects

Committee Chair Senft adjourned the meeting and relinquished the gavel to the Finance Committee Chair Dunbar who called the Finance Committee meeting to order. (Audio 00:45:01)

Finance/Outreach & Planning Committee

Discussion

28. Consent Item(s) Moved for Discussion – None

29. Investment Advisors Contract Renewal Options

Ms. Linda Howard, Finance Bureau Chief, presented information for the Board regarding Investment Advisors Contract Renewal Options. This information included performance information for Public Trust Advisors (PTA) and PFM Asset Management LLC; information on piggy back contract requirements; contract comparisons; comparison on piggyback candidates; and advantages and disadvantages of procurement options.

Ms. Howard explained the Board policy 150-1 and Florida Statute that governs the allowance of piggybacking. She outlined the process that was used to determine qualified candidates for piggyback consideration. Ms. Howard provided information on the top three candidates that were selected. Discussion ensued.

Staff recommended that the District enter into a piggyback agreement with Public Trust Advisors (Hernando County Clerk of the Court) at the end of its existing contract.

A motion was made and seconded to approve staff's recommendation. Motion carried with 11 in favor and one against. (Audio 00:58:51)

30. Legislative Update

Ms. Colleen Thayer, Public Affairs Bureau Chief, provided a legislative update. She outlined the Governor's priorities which included growing jobs; cutting taxes and creation of the Florida Enterprise Fund. Ms. Thayer outlined the legislative priorities which included SB552, which is known as the water bill. She provided details regarding this bill.

This item is provided for the Board's information and no action is required.

Submit & File Reports

31. Status of the 2016 Consolidated Annual Report

32. 2015 Districtwide Public Perception Survey Results

Routine Reports

33. Treasurer's Report and Payment Register

34. Monthly Financial Statement

35. Monthly Cash Balances by Fiscal Year

36. Comprehensive Plan Amendment and Related Reviews Report

37. Development of Regional Impact Activity Report

38. Significant Activities Report

Committee Chair Dunbar adjourned the meeting and relinquished the gavel to the Regulation Committee Chair Moran who called the Regulation Committee meeting to order. (Audio 01:03:42)

Regulation Committee

Discussion

39. Consent Item(s) Moved for Discussion - None

40. Denials Referred to the Governing Board

If any denials are requested to be referred to the Governing Board, these will be presented at the meeting.

Submit & File Reports - None

Routine Reports

41. Overpumpage Report - January 2016

42. Individual Permits Issued by District Staff - January 2016

Regulation Committee Chair Moran relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Maggard who called the Committee meeting to order.
(Audio 01:04:17)

**Operations, Lands and Resource Monitoring Committee
Discussion**

43. Consent Item(s) Moved for Discussion - None

44. Hydrologic Conditions Report

Mr. Granville Kinsman, Hydrologic Data Manager, provided a presentation on the current state of hydrologic conditions. Rainfall for the month of December was greater in the southern counties, with drier conditions continuing in the northern counties. Despite lower-than-average rainfall this dry season, hydrologic indicators have not declined greatly and remain overall very healthy. In January, the jet stream has dropped and our weather has shifted to cooler and wetter conditions expected from El Niño. Groundwater levels in northern, central and southern counties is considered normal to above normal. Lake levels in the District are considered to be in the normal range with minor declines. The reservoirs in the District are considered full. The climate forecast anticipates cooler than normal temperatures and above normal rainfall. Mr. Kinsman noted to the Board that the first hurricane developed in the Atlantic during the month of January. He stated that this is the first January hurricane since 1938, and only the fourth since record keeping began in 1851. Its origin has been tied to El Niño.

This routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the current month to comparable data from the historical record.

This item is presented for the Board's information, and no action is required.

Submit & File Reports - None

Routine Reports

The following items are provided for the Committee's information, and no action is required.

45. Structure Operations

46. Significant Activities

Committee Chair Maggard adjourned the Committee meeting. (Audio – 01:11:23)

General Counsel's Report

Discussion

47. Consent Item(s) Moved for Discussion

20. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval

b. Final Order of Dismissal with Prejudice – Kenneth Monduori et al. v. Wilds Land Company, LLC, et al. and SWFWMD – ERP Application No. 702310

Chair Babb stated he received four Request to Speak cards for the following agenda item.

Ms. Karen West, General Counsel, provided an overview of Kenneth Monduori et al v. Wilds Land Company, LLC. She stated a petition was filed against an Environmental Resource Permit (ERP) application for a 17 unit residential subdivision in Pinellas County that was issued November 13, 2015.

Ms. Barbara Spath, resident, spoke in opposition of the District's recommendation for approval of the final order of dismissal with prejudice.

Mr. John Landon, P.E., representing Wilds Land Company, LLC, spoke in favor of the District's recommendation for approval of the final order of dismissal with prejudice.

Mr. Ken Monduori, plaintiff and resident, provided photographs depicting flooding. He spoke in opposition of the District's recommendation for approval of the final order of dismissal with prejudice.

Mr. Joe Ryser, resident, completed a Request to Speak card, but left the meeting before providing his comments. He indicated he was in opposition of the District's recommendation for approval of the final order of dismissal with prejudice.

Ms. Amy Brennan, Managing Attorney for the Office of General Counsel, explained of the specific requirements associated with filing of petitions. She provided the Board with background information on the filing of the petitions.

Chair Babb asked if the District has addressed the residents' concerns and does the District have any concerns for flooding. Ms. Alba Mas, Regulation Director, responded the conditions of issuance for the permit were met. District staff was satisfied the flooding concerns were met based on the additional ponds that are being constructed.

Secretary Adams asked for an explanation of how the Petitioners failed to meet the requirements. Ms. Brennan stated the first petition lacked (a) an explanation of how Petitioners' substantial interests would be affected by the agency action, (b) a statement of all disputed facts and the facts that warranted reversal or modification of the agency's action; and (c) the rules or statutes that require reversal or modification of the agency action. The second petition lacked a statement of the rules or statutes that require reversal or modification of the agency's action, one of the items noted as deficient in the original petition.

Board Member Henslick asked if District staff has met with the residents to explain the project.

Ms. Michelle Hopkins, ERP Bureau Chief, stated the District had numerous discussions with the residents and explained permitting requirements.

Mr. Landon provided background on the project and communication that occurred between the Wilds Land Company and the residents.

Board Member Griffin asked if the residents would identify the concerns they believe have not been addressed by the District.

Ms. Hopkins displayed an aerial of the project and provided information regarding flooding concerns. She specifically addressed the Brooker Creek Flood Study.

Ms. Valerie Schroder spoke in opposition of the District's recommendation for approval of the final order of dismissal with prejudice.

Board Member Senft asked about the additional storage for this project. Ms. Hopkins responded there will be three retention ponds that will replace existing storage. These ponds will create additional storage. A drainage flow way is also being created between two wetlands.

Secretary Adams asked what medium of communication was used to explain the failure to comply with the requirements to the petitioners. Ms. Brennan responded the December 15, 2015 order that was mailed to the petitioners specifically outlined the missing information that is required by law. Discussion ensued.

Board Member Mann asked if any permit has been denied for the general area. Ms. Más responded that since she has been at the District, a permit has never been denied. The District works with applicants to ensure a permit meets the conditions of issuance.

Discussion ensued that addressed the modeling that was used to assess the requirements of the permit to ensure it would not increase or adversely impact any of the surrounding properties.

Staff recommended the Board approve the Final Order of Dismissal with Prejudice, dismissing the request for administrative hearing filed by Kenneth Monduori, Rosemarie Monduori, Ron Schroder, Valarie Schroder, Rafael Tejada, Idelfia Tejada, Donald Smith, Diane Smith, Joseph Ryser, Sarah Ryser, Barbara Spath, Samuel Harmon, Darlene Fett, Michael Heard, Betsy Heard, Margaret Omar, Robert Omar, Gordan Dore, Caren Dore, Shilp Patel, Dashan Patel, Les Moffatt, and Darlene Moffatt with prejudice.

A motion was made and seconded to approve staff's recommendation. Motion carried with 11 in favor and one opposed. (Audio 01:49:22)

Submit & File Reports - None

Routine Reports

48. January 2016 - Litigation

Ms. West informed the Board that two challenges were received (Hillsborough County Environmental Protection Commission and Friends of the River) since the December 2015 Board meeting regarding Morris Bridge Sink project. These were successfully resolved.

She also informed the Board that Parsons Water and Infrastructure, Inc., contacted the District to schedule a mediation. This mediation is scheduled for Friday, January 22.

Ms. West stated the District attended a hearing concerning a petition from the Skyway Trap and Skeet Club (Skyway). Skyway agreed to the prohibition of shooting over the berm on to the remediated property or the District property.

She added that a petition for an administrative hearing for the Suncoast extension project has been filed. An administrative hearing is being scheduled.

49. January 2016 - Rulemaking Update

Committee Liaison Reports

50. Well Drillers Advisory Committee

Board Members were provided a written summary of the October 21, 2015 meeting.

51. Other Committee/Liaison Reports

No reports were presented.

Executive Director's Report

52. Executive Director's Report

Mr. Beltran commended the staff for their ability to continue to meet the challenges that have been presented to the District.

Chair's Report

53. Chair's Report

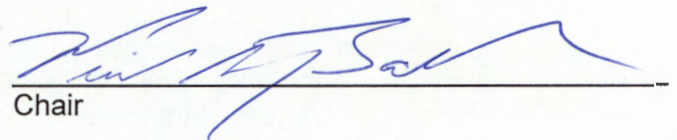
54. Other

The Board meeting for February 23 will be in the Sarasota Office, the March 29 meeting will be in Brooksville and April 26 meeting will be in Haines City.


55. Employee Milestones

This item was presented for the Board's information, and no action was required.

The meeting was adjourned at 10:55.


Chair

Attest:


~~Secretary~~ Treasurer