

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

NOVEMBER 17, 2015

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m. on November 17, 2015, 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 Mann 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. This item was provided for the Board's information, and no action was required. Mr. James Tuttle, Mr. Ross Morton and Ms. Cheryl Glenn were recognized.

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. Beltran, Executive Director, added the following item for discussion to the agenda:

Operations and Land Management Committee

46. Authorize the Office of General Counsel to Notify Mabry Carlton Ranch, Inc. of the District's Intent to Proceed in Accordance with the Terms of the Escrow Agreement Related to the Purchase of Property within the Myakkahatchee Creek Project from Mabry Carlton Ranch, Inc., SWF Parcel Nos. 21-694-102 and 103C

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 00:03:50)

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 was one *Request to Speak* card submitted.

Ms. Nancy Jenkins commended the District for their work regarding the Timber Oaks Stormwater 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.

Chair Babb stated he received no *Request to Speak* cards for any agenda items.

Regulation Committee

6. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20009791.009 – Citrus County Board of County Commissioners/Sugarmill Woods Water System (Citrus County)

Staff recommended the Board approve the proposed permit.

Operations, Lands and Resource Monitoring Committee - None

Resource Management Committee

7. **Hernando County US 19 Reclaimed Water Transmission Project – Third Party Review (N696)**
Staff recommended the Board approve the revised project scope and authorize the District to enter into a contractual agreement with Hernando County for construction of the Hernando County US 19 Reclaimed Water Transmission Project.
8. **FARMS – Tamiami Citrus, LLC – 64 Grove (H730), Hardee County**
Staff recommended the Board:
 - 1) Approve the Tamiami Citrus, LLC - 64 Grove project for a not-to-exceed project reimbursement of \$655,000 with \$655,000 provided by the Governing Board;
 - 2) Authorize the transfer of \$655,000 from fund 010 H017 Governing Board FARMS Fund to the H730 Tamiami Citrus, LLC - 64 Grove project fund;
 - 3) Authorize the Assistant Executive Director to sign the agreement.

Finance/Outreach & Planning Committee

9. **Budget Transfer Report**
Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for October 2015.

General Counsel's Report

10. **Administrative, Enforcement and Litigation Activities that Require Governing Board Approval**
 - a. **Initiation of Litigation – Permit Condition Violations – Eugene Michael – ERP No. 46032650.000 – Hernando County**
Staff recommended the Board authorize the initiation of litigation against Eugene Michael, and any other appropriate parties, to obtain compliance, to recover an administrative fine/civil penalty for any violations, and to recover District enforcement costs, court costs and attorney fees.
 - b. **Consent Order – Unauthorized Use of Water – Southeast Investments of Palm Beach, Inc. – Polk County**
Staff recommended the Board approve the proposed consent order and authorize the initiation of litigation against Southeast Investments of Palm Beach, Inc., if necessary to obtain compliance with the consent order.
11. **Rulemaking** – None

Executive Director's Report

12. **Approve Governing Board Meeting Minutes – October 27, 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 00:06:57)

Chair Babb relinquished the gavel to the Finance/Outreach Planning Committee Chair Dunbar who called the Committee meeting to order. (Audio – 00:07:10)

Finance/Outreach & Planning Committee Discussion

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

14. Legislative Update

Ms. Colleen Thayer, Public Affairs Bureau Chief, provided a legislative update. She stated the Water bills, House Bill (HB) 7005 and Senate Bill (SB) 552 will be heard in pending committees. She informed the Board the proposed Surplus Lands legislation will expand the time frame from what the current law allows and water management to expedite the sale of smaller lots. Ms. Thayer also updated the staff on (HB)561 and (SB)400 which is a bill that will provide the Florida Department of Environmental Protection (FDEP) with the flexibility for organization restructure to assure it is meeting the needs of the state. She also stated FDEP and water management district confirmations were moving forward.

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

Submit & File Reports

15. FAC 1B-26 Compliance

Routine Reports

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

16. Treasurer's Report and Payment Register

17. Monthly Financial Report

18. Monthly Cash Balances by Fiscal Year

19. Comprehensive Plan Amendment and Related Reviews Report

20. Development of Regional Impact Activity Report

21. Significant Activities Report

Treasurer Dunbar relinquished the gavel to the Resource Management Committee Chair Senft who called the Committee meeting to order. (Audio – 00:11:13)

Resource Management Committee

Discussion

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

23. Central Florida Water Initiative 2015 Document Series

Mr. Jason Mickel, Water Supply Section Manager, provided a presentation. This presentation included: a history of CFWI; regional information; Steering Committee overview; guiding document principles; challenges faced by the region; outreach; implementation strategy; and motions proposed by the Steering Committee.

Vice Chair Maggard asked if proposed construction of a housing complex would change the 250 million gallons per day (mgd) amount for potential need. Mr. Mickel responded that he was aware of the potential need and stated this type of information will be incorporated into the next set of projections. This plan will be updated every five years within a 20 year planning horizon.

Staff recommended the Board enter an Order approving the 2015 Central Florida Water Initiative Regional Water Supply Plan Document Series for public use and information, recognizing the District's authority for water supply planning extends to water supply planning regions within its boundaries as established in Section 373.069, F.S.

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 00:24:21)

24. 2015 Update of the Regional Water Supply Plan (RWSP)

Mr. George Schlutermann, Water Supply Section Senior Hydrologist, provided a presentation that included: information about what is a RWSP; projected total water use and population for the 20 year planning horizon; a breakdown of the projected water use based on water use categories; how the District anticipates meeting that water use demand; and details about the public involvement process. Mr. Schlutermann also discussed the RWSP webpage and how it was used to communicate with the public, and the schedule/milestones since project inception.

Committee Chair Senft stated he received one "Request to Speak" card.

Mr. Richard Owen, Withlacoochee Regional Water Supply Authority Executive Director, commended the District for their outreach efforts and transparency of the process.

Staff recommended the Board enter an Order approving the final draft 2015 Regional Water Supply Plan update for public use and information.

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 00:36:48)

25. FARMS – Crop Cloth Pilot Study (H731)

Mr. Eric DeHaven, Resource Management Division Assistant Director, provided a presentation. This presentation included: history of the Facilitating Agricultural Resource Management Systems (FARMS); FARMS goals; overview of the FARMS Dover Plant City Water Use Caution Area (DPCWUCA); crop cloth pilot overview; coating agent pilot program overview and cost overview.

Mr. DeHaven explained the District will provide a 75 percent cost share reimbursement for the one time purchase of the cloth. This will require a minimum three year contract term with the District. No water use permit modifications will be required. The contract will require the farmer to repay the District if the cloth is not utilized during frost freeze events or requests early termination from the contract. An annual report will be compiled from the data received with the program.

Board Member Moran asked what the actual cost of the crop cloth is. Mr. DeHaven responded approximately four to five thousand dollars an acre.

Board Member Moran asked who receives the cost of the crop cloth. Mr. DeHaven responded the cost of the crop cloth, labor not included, will go to the grower.

Vice Chair Maggard stated he doesn't view the crop cloth as a pilot program. He indicated this product has been used for years and has data to support its use.

Vice Chair Maggard stated he considers the use of the polymer to be a pilot program.

Committee Chair Senft asked if the crop cloth or polymer agent are considered new materials. Mr. DeHaven responded in the negative.

Discussion ensued.

Board Member Rice asked if a farmer, who has an existing crop cloth, could apply to the FARMS program and receive a 50 percent cost share. Mr. DeHaven responded in the negative.

Committee Chair Senft asked that an annual report be provided regarding the performance of the crop cloth. Mr. DeHaven responded in the affirmative.

Chair Babb asked that before the pilot program ends the District needs to review the policy to make this a part of FARMS rather than a pilot. Mr. DeHaven responded in the affirmative.

Treasurer Dunbar suggested the District propose partnering with manufacturer(s) of the products. Secretary Adams reiterated this suggestion.

Staff recommended the Board approve the funding of crop cloth pilot study projects, up to \$250,000 per year, from funds allocated to the FARMS Program in fiscal year 2016 through 2020 with individual projects requiring Governing Board approval.

A motion was made and seconded to approve staff's recommendation. Motion carried with ten votes in favor and two against. (Audio 01:37:25)

26. FARMS - Polymer/Coating Agent Pilot Project – Budget Transfer (H732)

Mr. Eric DeHaven, Resource Management Division Assistant Director, provided a presentation. This presentation included: an overview of the pilot program; research data; collection of data; outline processes prior and following a freeze event; overview of the application of the polymer.

Committee Chair Senft asked when the polymer was applied and what is the product's expected duration. Mr. DeHaven responded the polymer is applied at the beginning of the freeze event and is expected to last up to five days or until it is washed off. The polymer will have to be reapplied with each freeze event.

Committee Chair Senft asked what the shelf life of the polymer product is. Mr. DeHaven responded it has a limited shelf life of approximately 12 to 18 months.

Mr. DeHaven provided the Board with a historical overview of the Dover/Plant City January 2010 freeze event.

Board Member Dunbar asked if the District has contacted the distributors to coordinate the use of this product.

Mr. DeHaven responded the distributor of the polymer agent has agreed to keep the price of the polymer stable during the pilot program.

Board Member Griffin asked if the District has included the cost of the additional water that will be necessary to rinse the polymer off. Mr. DeHaven responded in the negative and stated the amount is minimal.

Board Member Moran asked about the costs related to the program and how will the District fund this. Mr. DeHaven responded the District will fund up to 250,000 dollars each year.

Board Member Moran asked who initiated this request. Mr. DeHaven responded this program was prompted by FARMS as a result of the 2010 Dover/Plant City freeze event.

Discussion ensued. This included the costs associated with the program.

Committee Chair Senft stated he received two "Request to Speak" cards.

Mr. Kenneth Parker, Executive Director of the Florida Strawberry Growers Association in Dover, thanked the Board for assisting in the reduction of water use during freeze events. He thanked the Board for their consideration the pilot programs.

Mr. Curt Williams, representing the Florida Farm Bureau Federation (FFBF), spoke in support of the crop cloth and polymer pilot programs.

Discussion ensued

Staff recommended the Board authorize the transfer of \$100,000 from fund 010 H017 Governing Board FARMS funds to the H732 FARMS polymer/coating agent Pilot Project fund.

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 01:32:44)

Submit & File Reports - None

Routine Reports

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

27. Minimum Flows and Levels Status Report

28. Significant Water Resource and Development Projects

Committee Chair Senft adjourned the meeting and relinquished the gavel to Regulation Committee Chair Moran who called the Regulation Committee meeting to order. (Audio 01:38:12)

Regulation Committee

Discussion

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

30. 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

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

31. Overpumpage Report – November 2015

32. Individual Permits Issued by District Staff – November 2015

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 – 01:39:00)

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

33. Consent Item(s) Moved for Discussion

46. Authorize the Office of General Counsel to Notify Mabry Carlton Ranch, Inc. of the District's Intent to Proceed in Accordance with the Terms of the Escrow Agreement Related to the Purchase of Property within the Myakkahatchee Creek Project from Mabry Carlton Ranch, Inc., SWF Parcel Nos. 21-694-102 and 103C

Mr. Steve Blaschka, Real Estate Services Manager, provided a presentation that included back ground information on the Mabry Carlton Ranch (Ranch) and the mineral rights associated with it. Mr. Blaschka provided a history of the partnership between the Ranch, Sarasota County and the District.

Staff recommended the Board authorize the Office of General Counsel to notify Mabry Carlton Ranch, Inc. of the District's intent to proceed with the terms of the Escrow Agreement.

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 01:44:15)

34. Hydrologic Conditions Report

Mr. Granville Kinsman, Hydrologic Data Manager, provided a presentation on the hydrologic conditions status report. 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.

Mr. Kinsman stated that October and November have been drier than normal. The 12-month departure from mean rainfall has declined, but remains above the long-term average, and the central section of the District is still wetter than normal. Water levels are declining, but still remain seasonally elevated.

Groundwater levels are declining, but remain in the upper range of normal throughout the District. Lake levels are within the normal range, declining in the northern and Lake Wales Ridge regions, and rising slightly in the Tampa Bay and Polk upland regions. Flow on the Withlacoochee, Hillsborough, Alafia and Peace Rivers declined but is within the upper range of normal. The Hillsborough River, Bill Young and Peace River reservoirs are full.

Climate forecast projections for December indicate above-normal rainfall as we transition to the anticipated effects of El Niño. The forecast for winter and spring is for above-normal rainfall and cooler-than-normal temperatures.

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

Submit & File Reports - None

Routine Reports

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

35. Structure Operations

36. Significant Activities

Committee Chair Maggard adjourned the Committee meeting. (Audio – 01:50:00)

**General Counsel's Discussion
Discussion**

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

Submit & File Reports- None

Routine Reports

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

38. November 2015 - Litigation Report

39. November 2015 - Rulemaking Update

Ms. Karen West, General Counsel, informed the Board she is requesting a closed hearing session at the December Governing Board meeting. This session will request the Board to provide advice regarding the strategy for litigation expenditures and settlement negotiations for the Parsons litigation.

Committee/Liaison Reports

40. Industrial and Public Supply Advisory Committee

Board Members were provided a written summary of the November 10, 2015 meeting.

41. Other Committee/Liaison Reports

Executive Director's Report

42. Executive Director's Report

Mr. Beltran, commended the Board and District staff for the efforts in support of the RWSP and the CFWI.

Chair's Report

43. Chair's Report

Chair Babb recognized FDEP staff in attendance: Mr. Craig Varn, General Counsel; Mr. Ryan Matthews, Director of Office of Water Policy; and Mr. Jack Furney, Deputy Executive Director. Mr. Varn offered assistance to the District.

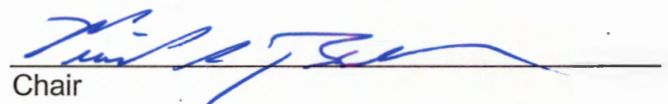
44. Other

Board Member Griffin provided the Board with a presentation on the Rock Pond Ecosystem Restoration event that occurred on Saturday, November 14. Volunteers included District staff and their families.

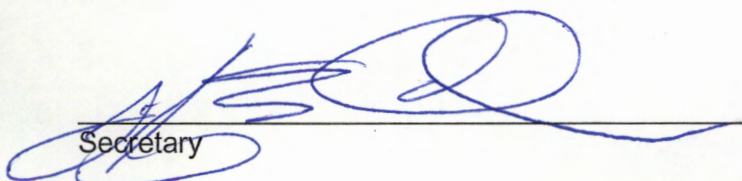
45. Employee Milestones

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

The meeting was adjourned at 11:02 a.m.


Chair

Attest:


Secretary