

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

DECEMBER 15, 2015

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m. on December 15, 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

Chair Babb 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. Junior Beatty, Ms. Carol Lynch, Ms. Dianna Brass, Ms. Gwen Brown and Ms. Margie Hagin 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, deleted the following items from the agenda:

Consent Agenda

Resource Management Committee

8. 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)

Operations, Lands and Resource Monitoring Committee

Discussion

42. Escrow Agreement Notification - Mabry Carlton Ranch, Inc., SWF Parcel Nos. 21-694-102 and 21-694-103C

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 00:6:35)

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 were 12 *Request to Speak* cards submitted.

Karen West, General Counsel, cautioned the Board Members on discussion of this item due to the potential challenge to the permit.

Mr. Chet Joyner, resident, spoke in opposition of the Morris Bridge Sink Project.

Mr. Phil Compton, Friends of the River, spoke in opposition of the Morris Bridge Sink Project.

Mr. Rick Brown, Friends of the River, spoke in opposition of the Morris Bridge Sink Project.

Mr. Ken Bailey, Sierra Club, spoke in opposition of the Morris Bridge Sink Project.

Mr. Martin Kelly, resident, spoke in favor of the Morris Bridge Sink Project.

Mr. Rick Tschantz, Hillsborough County Environmental Protection Commission, spoke in opposition of the Morris Bridge Sink Project.

Ms. Janet Dougherty, Hillsborough County Environmental Protection Commission, spoke in opposition of the Morris Bridge Sink Project.

Mr. Brad Baird, City of Tampa, spoke in favor of the Morris Bridge Sink Project.

Mr. Sid Flannery, resident, spoke in opposition of the Morris Bridge Sink Project.

Mr. John Ovink, Friends of the River, spoke in opposition of the Morris Bridge Sink Project.

Ms. Carol Dell, resident, spoke in opposition of the Morris Bridge Sink Project.

Mr. Warren Hogg, spoke in favor of 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.

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. 20006968.008 - James D. Brewer & Robert C. Brewer / Lee Branch (DeSoto County)

Staff recommended the Board approve the proposed permit.

Operations, Lands and Resource Monitoring Committee - None

Resource Management Committee

7. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Lakes Buddy and Pasadena in Pasco County (P256)

Staff recommended the Board:

- A. Accept the report entitled, "Proposed Minimum and Guidance Levels for Lakes Buddy and Pasadena in Pasco County, Florida," dated October 12, 2015.
- B. Authorize staff to make any necessary minor clarifying edits 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 minimum and guidance levels with the proposed minimum and guidance levels for Lakes Buddy and Pasadena in Pasco County as shown in the Exhibit A.

8. 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 November 30, 2015.
- 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.

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

Staff recommended the Board:

- A. Accept the report entitled, "Proposed Minimum and Guidance Levels for Lake Clinch in Polk County, Florida," dated December 2, 2015.
- B. Authorize staff to make any necessary minor clarifying edits to the report and 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 minimum and guidance levels with the proposed minimum and guidance levels for Lake Clinch in Polk County as shown in the Exhibit A.

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

Staff recommended the Board:

- A. Accept a report entitled, "Proposed Minimum and Guidance Levels for Lake Wailes in Polk County, Florida", dated November 15, 2015.
- B. Authorize staff to make any necessary minor clarifying edits to the report and 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 Minimum Levels, add Guidance Levels and change the name used for Lake Wailes in Polk County as shown in the Exhibit.

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

Staff recommended the Board:

- A. Accept the report entitled, "Proposed Minimum and Guidance Levels for Lake Starr in Polk County, Florida" dated December 1, 2015.
- B. Authorize staff to make any necessary 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 approved Minimum and Guidance Levels with the proposed Minimum and Guidance Levels for Lake Starr in Polk County as shown in the Exhibit.

12. Authorize Submission of Preliminary Flood Insurance Rate Maps for the East Citrus Withlacoochee River Watershed Management Plan in Citrus County to the Federal Emergency Management Agency (N090)

Staff recommended the Board authorize submittal of the preliminary FIRMs for the East Citrus Withlacoochee River watershed in Citrus County to FEMA.

13. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Lake Stafford East, Priest Prairie Drain, and West Marion Watersheds in Marion County to the Federal Emergency Management Agency (N290/N313/N367)

Staff recommended the Board authorize submittal of the preliminary FIRMs for the Lake Stafford East, Priest Prairie Drain, and West Marion watersheds in Marion County to FEMA.

14. Stormwater Improvements - Water Quality - Marion County - Rainbow River NW 119 Ave. Stormwater Retrofit- Scope Change (WR02)

Staff recommended the Board approve to revise the project description from construction of a wet detention system to construction of a dry detention system and revise the measurable benefit of total nitrogen removal from 29 lbs/yr to 24 lbs/yr.

15. Implementation of BMPs Within the Sunset Beach Watershed-Phase VI (N674)

Staff recommended the Board approve revision to the resource benefit of the Phase VI project to remove an estimated 44 lbs/year of Total Nitrogen, 5 lbs/year of Total Phosphorus and 1,360 lbs/year of Total Suspended Solids.

16. Mobbly Bayou Wilderness Preserve FDOT Mitigation Site Phase 2 – Project Lead Change (D052)

Staff recommended the Board approve to change the project lead agency from Pinellas County to the District for the construction and maintenance portion of the Mobbly Bayou Wilderness Preserve FDOT Mitigation project.

17. SWIM - Conservation Easements for Restoration Projects, SWF Parcel No. 21-130-104C, MLK Park Low Impact Design and Wetland Restoration, (W323) and SWF Parcel No. 13-130-102C, Ulele Spring Restoration (W356) City of Tampa

Staff recommended the Board accept the conservation easements for SWF Parcel No. 21-130-104C, MLK Park Low Impact Design and Wetland Restoration and SWF Parcel No. 13-130-102C, Ulele Spring Restoration Project.

Finance/Outreach & Planning Committee

18. Budget Transfer Report

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

General Counsel's Report

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

- None

20. Rulemaking - None

Executive Director's Report

21. Approve Governing Board Meeting Minutes - November 17, 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 00:50:47)

Chair Babb relinquished the gavel to the Finance/Outreach Planning Committee Chair Dunbar who called the Committee meeting to order. (Audio – 00:50:58)

Finance/Outreach & Planning Committee

Discussion

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

23. Legislative Update

Ms. Colleen Thayer, Public Affairs Bureau Chief, provided an update on the Governor's Florida First Budget. The budget totals 79.3 billion dollars, this is an increase from 78.4 billion dollars in 2015. This includes one billion dollars in tax cuts. The environmental budget totals 3.5 billion dollars. This includes general revenue and trust fund dollars. Ms. Thayer presented a breakdown of the environmental budget. She emphasized that recurring funds for land management budgeted for water management districts of approximately 12 million dollars are in the 2016 budget.

Board Member Senft asked if any of the 30 million dollars for water supply has been earmarked for any specific projects. Ms. Thayer responded in the negative.

This item is provided for information only.

24. Investment Advisors Contract Renewal Options

Ms. Linda Howard, Finance Bureau Chief, provided a presentation on the investment advisors contract renewal options. She provided a history of how investments were handled prior to 2013. Since 2013, the District has had two advisors, one is Public Trust Advisors who manages the short term investments and PFM Asset Management who manages the long term investments. Ms. Howard provided a background on each company. The Public Trust Advisors contract will end on July 1, 2016. The PFM Asset Management contract will end July 24, 2016.

Ms. Howard provided a short-term and long-term pricing comparison for the District versus other municipalities.

Ms. Howard clarified that the Board needs to determine: the number of investment firms the District would like to contract with; does the District want to renew with the current investment firms; does the District want to "piggy back" with a comparable contract with other governmental entities; or rebid the contract.

Finance Chair Dunbar explained this is for a three year contract. Discussion ensued. Board Member Moran asked about the determination of going with a three year contact. Ms. Howard responded it is a standard term recommendation. There are exit clauses included in the contract. Discussion ensued.

Board Member Senft asked if there is information on the rate of return for the other water management districts. Ms. Howard responded she did not have an update. Discussion ensued which specifically addressed the option of "piggy backing". Finance Chair Dunbar asked that staff review the contracts that the District could "piggy back" on and present the information to the Board in January.

Staff requested the Governing Board provide direction as to which option to pursue.

A motion was made to use a single provider. The motion was seconded. Motion carried unanimously. (Audio 01:17:50)

25. Preliminary Fiscal Year 2016-17 Budget

Mr. John Campbell, Management Services Bureau Chief, presented the preliminary Fiscal Year 2016-17 budget. This presentation included: a time line; expenditure goals and outcomes; expenditures by category; comparison of FY2015-16 adopted budgets versus the FY2016-17 preliminary budget by categories and programs; overview of revenue budget and sources; projected available reserves; cooperative funding; and long-term funding plan.

Staff recommended the Board approve the January 15, 2016 submittal of the *FY2016-17 Preliminary Budget Submission* report to the Florida Legislature.

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 01:38:53)

Submit & File Reports - None

Routine Reports

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

26. Treasurer's Report and Payment Register

27. Monthly Financial Statement

28. Monthly Cash Balances by Fiscal Year

29. Comprehensive Plan Amendment and Related Reviews Report

30. Development of Regional Impact Activity Report

31. Significant Activities Report

Treasurer Dunbar relinquished the gavel to the Resource Management Committee Chair Senft who called the Committee meeting to order. (Audio – 01:40:33)

Resource Management Committee Discussion

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

33. Fiscal Year 2016-17 Cooperative Funding Process

Mr. Jay Hoecker, Project Manager, provided a presentation on the FY2016-17 Cooperative Funding Process. This presentation included: overview of cooperative funding process schedule; summary of cooperative funding applications received; summary of the Florida Department of Protection (FDEP) springs applications received; project evaluation criteria; the meeting schedule and proposed topics to be discussed.

Mr. Hoecker provided an overview that displayed a comparison of cooperative funding requests from fiscal year 2011 through 2017. He also provided a breakdown by region.

Staff recommended the Board approve the proposed February and April subcommittee meeting schedule and agenda topics staff has proposed for the February regional subcommittee meetings. See Regional Application Booklets at <http://www.swfwmd.state.fl.us/business/coopfunding/>

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 01:47:44)

Submit & File Reports

34. Status of the Southern Water Use Caution Area Recovery Strategy

Routine Reports

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

35. Minimum Flows and Levels Status Report

36. 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 01:49:18)

Regulation Committee

Discussion

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

38. 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.

39. Overpumpage Report - December 2015

40. Individual Permits Issued by District Staff - December 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 – 01:49:38)

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

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

42. Escrow Agreement Notification – Mabry Carlton Ranch, Inc., SWF Parcel Nos. 21-694-102 and 21-694-103C

~~Staff recommended the Board proceed in accordance with the decision made by Sarasota County Board of County Commissioners regarding the Escrow Agreement with Mabry Carlton Ranch, Inc.~~

43. Hydrologic Conditions Report

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

There is a decline in overall trends due to lack of rainfall. Most of the rain received has occurred in the southern part of the District. Groundwater in northern, central and southern counties is considered above normal. Lake levels in the District are considered to be in the normal range. The reservoirs in the District are considered full.

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.

Submit & File Reports

44. Surplus Lands Biennial Assessment Quarterly Update

The Board was provided with a written report.

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 – 01:54:23)

General Counsel's Discussion

Discussion

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

Ms. Karen West, General Counsel, provided the Board with an update on the final order mediation in the case of McClash, et al versus land trust and the District. An impasse has been filed and the appeal will proceed.

Ms. West also provided an update on a hearing related to the Skyway Gun Club versus the District. She stated arbitration, as originally ordered, the second complaint is allowed to proceed. A two day hearing has been scheduled for January.

Submit & File Reports - None

Routine Reports

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

48. December 2015 - Litigation Report

49. December 2015 - Rulemaking Update

Committee/Liaison Reports

50. Agricultural & Green Industry Advisory Committee

The Board Members were provided with a written summary.

51. Other Committee/Liaison Reports

Executive Director's Report

52. Executive Director's Report

Mr. Beltran, Executive Director, provided an update on the audit of the Sarasota Estuary Bay Program. He stated the District's Auditor General will have a report prepared by February for discussion.

53. Chair's Report

Chair Babb read a prepared statement outlining the criteria associated with the closed session that will begin at 11:00 a.m.

54. Other

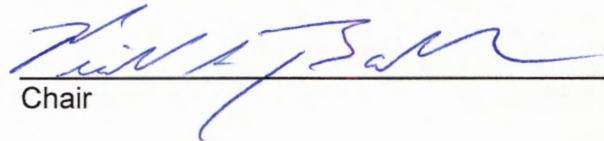
None

55. Employee Milestones

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

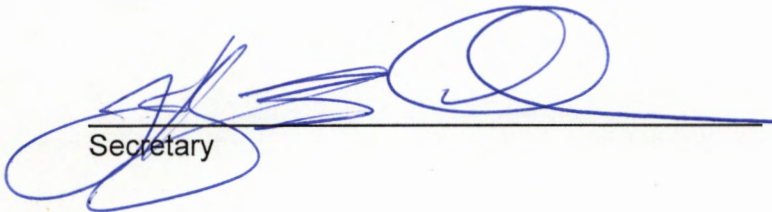
11:00 A.M. TIME CERTAIN CLOSED DOOR ATTORNEY-CLIENT SESSIONS SWFWMD
V. PARSONS WATER AND INFRASTRUCTURE, INC.

The meeting was adjourned at 10:58.



Chair

Attest:



Secretary