

APPROVED

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BARTOW, FLORIDA

APRIL 29, 2014

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 10:00 a.m. on April 29, 2014, at the Neil Combee Administration Building in Bartow. The following persons were present:

Board Members Present

Carlos M. Beruff, Chair
Michael A. Babb, Vice Chair
Randall S. Maggard, Secretary
Jeffrey M. Adams, Treasurer
Bryan K. Beswick, Member
Thomas E. Bronson, Member
David W. Dunbar, Member
Wendy Griffin, Member
George W. Mann, Member
Michael A. Moran, Member
Todd Pressman, Member
H. Paul Senft, Member

Staff Members

Robert R. Beltran, Executive Director
David T. Rathke, Chief of Staff
Kurt P. Fritsch, Inspector General
Laura J. Donaldson, General Counsel
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
LuAnne Stout, Administrative Coordinator

Board Member(s) Absent – None

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 (Video – 00:00)

1. Call to Order

Chair Beruff called the meeting to order and opened the public hearing. Mr. Maggard noted a quorum was present.

2. Pledge of Allegiance and Invocation

Mr. Rathke offered the invocation. Chair Beruff led the Pledge of Allegiance to the Flag of the United States of America.

Public Hearing

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

Chair Beruff 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 speaker's 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 Beruff 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. (Audio – 00:00/03:30)

3. **Oath of Office for Newly Appointed Board Member(s)** (Video – 03:35)

The Oath of Office was administered by Ms. Martin to Mr. Michael A. Babb who was reappointed by Governor Scott on March 21, 2014 to serve on the District's Governing Board until his term expires March 1, 2018. (Audio – 03:30/04:25)

4. **Welcoming Remarks from Polk County Manager Jim Freeman**

Mr. Freeman said the Board is always welcome here and commended members for holding meetings at various locations within the District for the citizens' convenience. He said the District's mission to provide for future water supply while protecting the natural resources is important and one that local government shares. He said the County looks forward to continuing to work with the District on future projects. Mr. Freeman noted that Mr. Gary Fries, who has worked with the District on numerous projects and initiatives, is retiring on May 16. He said the County has hired Ms. Marjorie Craig to replace Mr. Fries and she was introduced to the Board. (Audio – 04:25/06:45)

5. **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 noted the following changes requested to the agenda.

The following items to be deleted from consideration:

15. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - c. Consent Order – Overpumpage Penalties – Water Use Permit No. 20012514.007 - Colding Loop Road Wimauma, LLC – CT No. 366376 – Hillsborough County
31. Consider Water Shortage Order Recommendations

The following item to be moved from the Regulation Committee to the Operations & Land Management Committee for presentation:

30. Hydrologic Conditions Status Report

Mr. Dunbar moved, seconded by Mr. Maggard, to approve the Consent Agenda as amended. Motion carried unanimously. (Audio – 06:45/07:35)

Chair Beruff said there is good cause to amend the published agenda as allowed by Section 120.525, Florida Statutes. **Mr. Senft moved, seconded by Mr. Maggard, to approve the published agenda as amended. Motion carried unanimously.** (Audio – 07:35/08:25)

6. **Public Input for Issues Not Listed on the Published Agenda** (Video – 09:00)

Chair Beruff noted that two *Request to Speak* cards were submitted.

Ms. Carolyn Freeland, Vice Mayor of the City of Punta Gorda, spoke regarding the City's Groundwater Reverse Osmosis Water Treatment Plant Project submitted through the Fiscal Year 2015 Cooperative Funding Initiative (CFI) process. She provided each Board member with a copy of the statement which she read into the record presenting why the City's application is multijurisdictional and meets policy. Ms. Freeland used a slide presentation to highlight points in the statement. Also in attendance was Mr. Tom Cavanaugh with the City of Punta Gorda. (Audio – 08:25/15:35)

For clarification, Chair Beruff said the CFI process did not rank it high enough in the matrix because it was not considered a regional water supply. He noted that four counties make up the Peace River Manasota Regional Water Supply Authority cooperative board (Charlotte, Sarasota, DeSoto and Manatee) which supported the regional pipeline project. Chair Beruff said Charlotte County in 2008 or 2009 voted against funding its part which took in the City of Punta Gorda's water facility and the Peace River. He said it appears the dynamics have changed now in support of making this truly a regional water supply. Chair Beruff said the CFI Southern Region Committee recommended that the City of Punta Gorda request Charlotte County reconsider funding. He said if Charlotte County will support the Phase 1 Interconnect, then all entities involved do it together and solve all the problems.

Mr. Pressman said it appears that the City is getting positive movement and coordination of the different jurisdictions. Chair Beruff said once it becomes regionalized, then the ranking comes up. Mr. Hammond said the regional policy issue would be addressed, but staff is still working on the science of the groundwater availability. Chair Beruff said the testing would still have to be done to ensure the system works but not until it becomes regional. Mr. Hammond said the ranking should rise but discussion is needed with the Board since there is about 30 million gallons per day (mgd) of unused capacity available today.

Mr. Senft said it was his understanding that all four counties had approved and then Charlotte County changed its position. He said he agrees with supporting the Board's policy.

Mr. Dunbar asked if this is a project the District would be funding 50 percent. Chair Beruff said it would be an Authority project since it is a pipeline between the City of Punta Gorda and its water supply and the Peace River. Mr. Dunbar asked if the District had previously approved that piece of the puzzle. Chair Beruff said it is part of the regional plan for the pipeline.

Ms. Griffin asked for clarification of the 30 mgd that is unused capability and whether it is low quality water or considered high quality. Mr. Hammond said the capacity is a combination of the unused capability, which is good quality water, that the Authority and its member governments have now. He said the District is working with the Authority to interconnect the systems so everyone can utilize the region's capacity. In response to Ms. Griffin's question about the source of the low quality water, Mr. Hammond said that is Shell Creek which is Punta Gorda's source of supply.

Mr. Pressman commented there is extra capacity in the region but not extra specifically for Punta Gorda's use right now. Mr. Hammond said the City has water quality issues associated with its source water which is the immediate need versus a long-term capacity need. He noted that District staff will be bringing this item to the Board in June along with three other items from the CFI Regional Committees. (Audio – 15:35/22:10)

Chair Beruff called upon Mr. Chuck Drake, representing Tetra Tech, who had submitted a *Request to Speak* card.

Mr. Drake said he is a hydrogeologist with Tetra Tech representing the City of Punta Gorda. He said he wanted to clarify the capacity issue. He said capacity is the difference

between what has been allocated under the permit versus what is actually being used.
(Audio – 22:10/23:00)

CONSENT AGENDA (Video – 24:00)

Chair Beruff 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 on the Consent Agenda. No one responded to the Chair's request to speak to the Board.

Chair Beruff then asked the Board members if they have any other items which need to be removed from the Consent Agenda for consideration on the appropriate Committee's Discussion Agenda. No other items were moved by the Board.

Regulation Committee

7. Individual Water Use Permit (WUP) Referred to the Governing Board – None

Resource Management Committee

8. Authorize Submission of Preliminary Polk County Flood Insurance Rate Maps (FIRMs) to the Federal Emergency Management Agency (FEMA)

Staff recommended the Board authorize staff to submit the preliminary FIRMs for Polk County to FEMA.

9. Holmes Beach Stormwater Improvements – Scope Change (W632)

Staff recommended the Board approve the change in the scope of work to add an additional sub basin, which increases the total acres treated to 276 and the estimated total nitrogen removal to 1,172 pounds per year.

10. Jan Phyl Village Stormwater Treatment Improvements – Scope Change (N503)

Staff recommended the Board approve the change in the scope of work based on final design.

Operations & Land Management Committee

11. Governing Board Action Pertaining to the Conveyance of the Bartow Service Office to the Board of Trustees of the Internal Improvement Trust Fund – SWF Parcel No. 20-050-106S

Staff recommended the Board (1) approve the terms of the Purchase And Sale Agreement, (2) approve the terms of the Sublease Agreement, and (3) approve the Quit Claim Deed for the conveyance.

Finance/Outreach & Planning Committee

12. Budget Transfer Report

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for March 2014.

13. Information Technology Bureau Server Replacement

Staff recommended the Board approve the transfer of \$200,000 from the Computer Renewal and Replacement Sinking Fund to the Information Technology Bureau to procure hardware, software, warranty and services associated with the replacement of the District's enterprise computer systems.

14. Water Conservation Month Proclamation

Staff recommended the Board approve and execute Resolution No. 14-05 declaring April 2014 as "Water Conservation Month."

General Counsel's Report

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

- a. Settlement Agreement – Dunn-Rankin v. SWFWMD and City of Venice - DOAH Case No. 13-4728 – Environmental Resource Permit Application No. 44011678.005 – Sarasota County

Staff recommended the Board approve the Settlement Agreement, and authorize any litigation as necessary in order to obtain compliance with the Settlement Agreement.

- b. **Consent Order – Permit Condition Violation – Water Use Permit No. 20003389.008 - MJS Golf Group, LLC (Plantation Palms Golf Club) – Pasco County**
Staff recommended the Board approve the proposed Consent Order and authorize the initiation of litigation against MJS Golf Group, LLC and any other necessary parties if necessary to obtain compliance with the Consent Order.
- c. **Consent Order – Overpumpage Penalties – Water Use Permit No. 20012514.007 - Colding Loop Road Wimauma, LLC - CT No. 366376 – Hillsborough County**
This item was deleted from consideration.
- d. **Final Order – Matthew G. Wallis, Petitioner, v. SWFWMD, Respondent. - Compliance No. 370394 – Pasco County**
Staff recommended the Board approve the proposed Final Order dismissing with prejudice the request for hearing filed by Matthew G. Wallis.
- e. **Interagency Agreement between the SWFWMD and the SJRWMD – Designation of Regulatory Responsibility – Central Florida Health Alliance Parking Expansion and Drainage Retention Area – Lake and Sumter Counties**
Staff recommended the Board approve the Interagency Agreement between the Southwest Florida Water Management District and the St. Johns River Water Management District for Designation of Regulatory Responsibility for Environmental Resource Permits for the Central Florida Health Alliance Parking expansion and Drainage Retention Area in Lake and Sumter Counties.

16. **Rulemaking** – None

Executive Director's Report

17. **Approve Governing Board Meeting Minutes – March 25, 2014**

Staff recommended the Board approve the minutes as presented.

Mr. Senft moved, seconded by Mr. Babb, to approve the Consent Agenda items as amended. Motion carried unanimously. (Audio – 23:00/24:30)

Chair Beruff relinquished the gavel to Finance/Outreach & Planning Committee Chair Adams who called the Committee meeting to order.

FINANCE/OUTREACH & PLANNING COMMITTEE (Video – 24:30)

Discussion Items

18. **Consent Item(s) Moved for Discussion** – None

19. **Investment Strategy Quarterly Update**

The District's financial investment advisors, Messrs. Richard Pengally and John Grady, provided a quarterly update of the investment portfolio as required by Board Policy 130-3.

There being no questions and as recommended by staff, the Board accepted and placed on file the District's Quarterly Investment Reports for the quarter ended March 31, 2014. (Audio – 24:30/39:45)

20. **District Health Insurance Procurement**

Ms. Elaine Kuligofski, Bureau Chief, Human Resources and Risk Management, said the District has initiated a process for selection of new health insurance plans to evaluate options for reducing health care costs, while maintaining an appropriate level of health care benefits for District employees. The initial step is to hire an insurance broker who can assist identifying and evaluating plan options and costs to achieve the best value for the District. The anticipated timetable for completion of this effort was provided.

Ms. Kuligofski said District staff has worked with Board Member Mike Moran on this effort and his expertise with health benefits has been invaluable in moving the process forward.

Ms. Kuligofski provided clarification to questions and noted that staff will return in July to provide an update. Ms. Donaldson responded to questions regarding Board members' involvement in the evaluation and selection process. (Audio – 39:45/59:00)

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

Submit & File Report

The following item was submitted for the Committee's information, and no action was required.

21. **Office of Inspector General – Summary Report for Audits of Tangible Fixed Assets, Intangible Fixed Assets, and Real Estate**

Routine Reports

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

22. **Legislative Update**
23. **Treasurer's Report and Payment Register**
24. **Monthly Financial Statement**
25. **Monthly Cash Balances by Fiscal Year**
26. **Comprehensive Plan Amendment and Related Reviews**
27. **Development of Regional Impact Activity Report**
28. **Significant Activities** (Audio – 59:00/59:25)

Committee Chair Adams adjourned the Committee meeting, and relinquished the gavel to Regulation Committee Chair Mann who called the Committee meeting to order.

REGULATION COMMITTEE (Video – 59:22)

Item 30 was moved to the Operations & Land Management Committee, and Item 31 was deleted from consideration.

29. **Consent Item(s) Moved for Discussion** – None
30. **Hydrologic Conditions Status Report**
This item was moved to the Operations & Land Management Committee for presentation.
31. **Consider Water Shortage Order Recommendations**
This item was deleted from consideration.
32. **Denials Referred to the Governing Board** – None

Submit & File Reports – None

Routine Reports

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

33. **Overpumpage Report**
34. **Individual Permits Issued by District Staff**
35. **Resource Regulation Significant Initiatives** (Audio – 00:59:25/01:00:25)

Committee Chair Mann adjourned the Committee meeting, and relinquished the gavel to Operations & Land Management Committee Chair Maggard who called the Committee meeting to order.

OPERATIONS & LAND MANAGEMENT COMMITTEE (Video – 60:30)

Item 30 was moved from the Regulation Committee to this Committee for presentation.

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

30. Hydrologic Conditions Status Report

Mr. Granville Kinsman, Manager, Hydrologic Data Section, said March, the sixth month of the eight-month dry season (October-May), was an unusually wet month throughout the District. Rainfall totals for the month show accumulations in the upper-normal to above-normal range in all regions of the District. Analysis of the District-wide “dry-season” rainfall, to date, shows October through March totals to be about 0.26 inch below the historic long-term average. Hydrologic indicators were mixed during March. Groundwater levels improved throughout the District, while regional streamflow conditions declined in the northern and southern regions, while they improved in the central region. Regional lake levels improved in the Northern and Tampa Bay regions, while they remained static in the Polk Uplands region and declined in the Lake Wales Ridge region.

Mr. Kinsman said, in summary, the District is approaching end of the dry season, hydrologic indicators remain seasonally normal, and climate forecast is for normal summer rainfall. (Audio – 01:00:25/01:05:45)

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

37. Flying Eagle Nature Center (Video – 66:00)

Committee Chair Maggard called upon Mr. Al Grubman who had submitted a *Request to Speak* card.

Mr. Al Grubman said he is a resident of Citrus County. He said Flying Eagle is a major asset to Citrus County but no governing board member has been appointed from the four northern counties that include Citrus County. He stated this action today is inappropriate and should not happen without a representative appointed by the Governor. (Audio – 01:05:45/01:07:30)

Mr. Frink provided a brief overview of the Flying Eagle Nature Center (FENC) and its amenities. Staff is currently preparing an Invitation to Submit Offer (ITS), which is tentatively scheduled to be released in the spring of 2014. In order to finalize the ITS, staff needs direction from the Board and requested input on the following:

- Are there unacceptable uses of the property?
- What level of public access needs to be provided?
- Are currently budgeted funds available to the lessee as part of the project?

Discussion ensued as Board members expressed their views and possible opportunities for this property. Committee Chair Maggard said the consensus is (1) an open, broad, net thrown out for what is a viable use on the property to not limit proposals received; (2) public access; and (3) \$143,720 made available as an incentive and negotiable based on the deal.

Staff will proceed with the Flying Eagle Nature Center ITS based on Board direction. (Audio – 01:07:30/01:46:00)

Mr. Frink said the Flying Eagle Evaluation Committee currently consists of three Board members: Ms. Griffin, Mr. Maggard and Mr. Mann. At staff's suggestion, Chair Beruff requested two additional volunteers. Messrs. Beswick and Moran volunteered. (Audio – 01:46:00/01:47:10)

Submit & File Reports – None

Routine Reports

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

38. **Structure Operations**
39. **Significant Activities**

Committee Chair Maggard adjourned the Committee meeting, and relinquished the gavel to Resource Management Committee Chair Babb who called the Committee meeting to order.

RESOURCE MANAGEMENT COMMITTEE (Video – 107:40)

Discussion Items

40. **Consent Item(s) Moved for Discussion** – None

Submit & File Reports – None

Routine Reports

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

41. **Minimum Flows and Levels**
42. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
43. **Significant Water Supply and Resource Development Projects**
(Audio – 01:47:10/01:47:53)

Committee Chair Babb adjourned the Committee meeting, and relinquished the gavel to Chair Beruff.

GENERAL COUNSEL'S REPORT (Video – 107:55)

Discussion Items

44. **Consent Item(s) Moved for Discussion** – None

Submit & File Report

The following item was submitted for the Committee's information, and no action was required.

45. **Environmental Resource Permit Penalties Equal to or Greater than \$5,000 – January 1, 2014 through March 31, 2014**

Routine Reports

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

46. **Litigation Report**
47. **Rulemaking Update** (Audio – 01:47:53/01:48:06)

COMMITTEE/LIAISON REPORTS (Video – 108:20)

Summaries were provided in the Board's meeting materials.

48. **Environmental Advisory Committee Meeting**
Ms. Griffin said the Committee met April 15 and did a field review of Lake Hancock.
49. **Well Drillers Advisory Committee Meeting**
Mr. Bronson said he has attended two meetings and noted this is an active group.

50. Other Committee/Liaison Reports (Audio – 01:48:06/01:49:15)

EXECUTIVE DIRECTOR'S REPORT (Video – 109:40)

51. Executive Director's Report

- Mr. Beltran said District staff participated in the Marion County Run for the Springs 5K and won the trophy displayed before the Board. He noted this was a great way for involvement in the community, and to promote springs and the District's core mission.
- Mr. Beltran said the Peace River Manasota Regional Water Supply Authority is celebrating "National Drinking Water Week" and has invited Board members to tour the Arcadia treatment facility and reservoir on May 9. (Audio – 01:49:15/01:50:50)

CHAIR'S REPORT (Video – 110:20)

52. Chair's Report

a. Employee Service Milestones

Chair Beruff noted staff employees who have reached five-year increments in service to the District. He recognized staff members who have reached 20-year and 25-year milestones, and thanked them for their service. This item was provided for the Board's information, and no action was required.

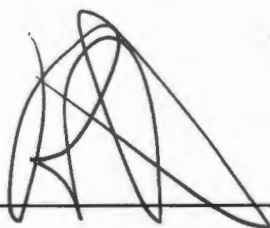
- b. Other – Chair Beruff said that, following a lunch break, the Board will be touring the Lake Hancock project. He requested Board members note upcoming meeting locations listed at the end of today's agenda (May – Tampa, June – Brooksville, July – Tampa). Chair Beruff said the July 22 (Tuesday) meeting has moved to July 21 (Monday) so Board members and staff may attend the Florida Environmental Permitting Summer School which is July 22 through July 25. (Audio – 01:50:50/01:52:40)

Chair Beruff recessed the public hearing.

There being no further business to come before the Board, Mr. Adams moved, seconded by Chair Beruff, to adjourn the meeting. Motion carried. (Audio – 01:52:40/01:52:46, Video – 112:52)

The meeting was adjourned at 11:54 a.m.

Attest:



Chair