

## MINUTES OF THE MEETING

### GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

JULY 28, 2015

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m. on July 28, 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  
Carlos Beruff, Member  
George Mann, Member  
Wendy Griffin, Member(Via Phone)  
Michael A. Moran, Member  
Ed Armstrong, Member

#### Board Members Absent

Tommy Bronson, Member  
Bryan Beswick, 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](http://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's 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 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 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. 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.

No Additions or Deletions were made to the agenda.

**A motion was made to approve published agenda, which was seconded. The motion carried unanimously. (Audio 00:03:35)**

**4. 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 no *Request to Speak* cards submitted.

**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**

**5. Individual Water Use Permits Referred to the Governing Board**

**a. WUP No. 20009585.006 - Ocean Breeze Properties, LLC / Ocean Breeze Farm (Hillsborough County)**

Staff recommended the Board approve the proposed permit.

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

**6. Approval and Renewal of Management Agreement with Pasco County and the Pasco County School Board - Starkey Wilderness Preserve – J.B. Starkey Wilderness Park, SWF Parcel Number 16-010-031X**

Staff recommended the Board approve the renewal of the management agreement with Pasco County and the Pasco County School Board – Starkey Wilderness Preserve – J.B. Starkey Wilderness Park, SWF Parcel Number 16-010-031X and authorize the Board to execute the agreement.

**7. Approve Second Amendment to the Agreement with Sumter County – Lake Panasoffkee Project, SWF Parcel No. 19-528-153X**

Staff recommended the Board approve the second amendment to the agreement with Sumter County – Lake Panasoffkee Project, SWF Parcel No. 19-528-153X and authorize the Board to execute the amendment.

**8. Acceptance of Easement Donation – Central Florida Water Initiative Well Site (CFWI) Project, SWF Parcel No. 20-020-124**

Staff recommended the Board accept the donation of a perpetual easement for the CFWI Project.

**9. Decline Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, R.P. Ranch, SWF Parcel No. 20-780-102C**

Staff recommended the Board authorize the Executive Director to decline the Right of First Refusal on SWF Parcel 20-780-102C.

***Resource Management Committee***

**10. City of Clearwater Resident Initiated Reclaimed Water Expansion Project – Scope Modification (N561)**

Staff recommended the Board approve the change in scope to modify project components and pipeline sizing.

**11. Authorization to Proceed with Third Party Review of 30 Percent Design Plans for the Pasco County Reclaimed Water Treatment Wetland & Aquifer Recharge Project (N666)**

Staff recommended the Board authorize staff to move forward with third party review of the 30 percent design plans and cost estimate for the project.

**12. FARMS - Stardust Ranch, LLC - Amendment (H716), Hernando County**

Staff recommended the Board approve the Stardust Ranch, LLC - Amendment with a decrease in the not-to-exceed project reimbursement from \$214,800 to \$111,000 (\$103,800 decrease) and a net decrease in estimated offset of \$39,000 gpd; and authorize the Assistant Executive Director to sign the amended agreement.

**13. FARMS - Wayne Moss - Halls Branch Farm (H727), Hillsborough County**

Staff recommended the Board approve the Wayne Moss - Halls Branch Farm project for a not-to-exceed project reimbursement of \$200,100 provided by the Governing Board; authorize the transfer of \$200,100 from fund 010 H017 Governing Board FARMS Fund to the H727 Wayne Moss - Halls Branch Farm project fund; and authorize the Assistant Executive Director to sign the agreement.

***Finance/Outreach & Planning Committee***

**14. Replacement of UPS/Battery System for Tampa Building 2**

Staff recommended the Board authorize a FY2014-15 budget transfer of \$91,375 from Recurring Operating Expenses (fuels and lubricants and printing and reproduction) to be used for the procurement of the replacement UPS/Battery System in Tampa.

**15. Replacement of Air Conditioner for Brooksville Building 7**

Staff recommended the Board authorize a FY2014-15 budget transfer of \$75,000 from the Tampa Site Survey budget to purchase the replacement air conditioner in Brooksville.

**16. Budget Transfer Report**

Staff recommended the Board approve the Budget Transfer report covering all budget transfers for June 2015.

***General Counsel's Report***

**17. Administrative, Enforcement and Litigation Activities that Require Governing Board**

**Approval**

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 a Water Use Permit For Pine Island Land Company, Inc. in Lake County.

**18. Rulemaking - None**

***Executive Director's Report***

**19. Approve Governing Board Meeting Minutes - June 23, 2015**

Staff recommended the Board approve the June 23, 2015 meeting minutes.

**A motion was made and seconded to approve the Consent Agenda as amended. Motion carried unanimously. (Audio – 00:03:58:00)**



**Chair Babb relinquished the gavel to the Finance/Outreach & Planning Committee Chair Dunbar who called the Committee meeting to order.**

***Finance/Outreach & Planning Committee***

***Discussion***

**20. Consent Item(s) Moved for Discussion - None**

**21. Investment Strategy Quarterly Update**

Mr. Tom Tight, Managing Director for Public Trust Advisors, provided a presentation on the investment strategy quarterly update. This presentation included: total managed portfolio earnings; investment portfolio total return; and investment portfolio composition.

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

**22. FY2015-16 Budget Development**

Mr. John Campbell, Management Services Director, provided a presentation on the FY2015-16 budget development. The presentation included: an update on changes that were made to the budget since the June 23 board meeting; results of the July 1 certificate of taxable values and the recommended adoption of the Proposed Millage Rate; summary of expenditure and revenue budget changes; summary of Ad Valorem and Millage Rate; expenditures by category and program; outline of revenues by source; budget development calendar and projected resources available as of October 1.

Mr. Mark Hammond, Resource Management Director, outlined funds that are being allocated to the District for springs projects from the Florida Department of Environmental Protection (FDEP) in the amount of \$13.4 million dollars. This will be combined with \$6 million dollars budgeted by the District in FY2015-16. Mr. Hammond outlined \$7.4 million dollars that is budgeted for District grants. These funds will cover costs associated with four projects in the northern counties. These projects will include: septic plant replacement and ACT plant replacement. In addition, local cooperators will provide an additional \$6 million dollars in matching funds which will include the City of Tampa Augmentation project and a reclaimed water transmission project in Hernando County.

Mr. Brad Baird, City of Tampa Public Works and Utilities Services Administrator, provided a history of the City of Tampa Augmentation project. Mr. Baird read a letter from Mayor Bob Buckhorn into the record.

Mr. Campbell stated the budget has increased by 17.6 million dollars. He reviewed the summary of revenue budget changes that have occurred in the budget since June. These changes included: a reduction of 265 thousand dollars in Ad Valorem revenue which resulted in a 4.6 percent reduction in the millage rate; 16.2 million dollars in state funding appropriations was received; and a 1.7 million dollar increase in use of reserves to balance the budget. Mr. Campbell explained that 91 percent of this increase in the budget is utilized for projects, not recurring costs. In addition, 92 percent of the budget increase is funded by new state appropriations. He also stated in the expenditure budget that Florida Statute allows no more than 15 percent be budgeted for the District Management and Administration costs. The District is budgeted at only eight percent for these costs.

**Staff recommended the Board:**

- a. Approve the budget changes that have been made since the June 23, 2015 Governing Board meeting and any modifications made by the Governing Board on July 28, 2015.
- b. Approve Resolution No. 15-10, *Adoption of Proposed Millage Rate for Fiscal Year 2015-16.*

- c. Approve the August 1 submittal of the *Standard Format Tentative Budget Submission* report, with the budget modifications approved by the Governing Board on July 28, 2015.

**A motion was made and seconded to approve the staff's recommendation. Motion carried unanimously. (Audio – 00:24:46)**

#### ***Submit & File Reports***

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

- 23. District Headquarters Update**
- 24. Results of Disaster Recovery Test**
- 25. Results of FEMA Audit**

#### ***Routine Reports***

The following items were 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 Reports**
- 30. Development of Regional Impact Activity Report**
- 31. Significant Activities**

**Committee Chair Dunbar adjourned the Committee meeting, and relinquished the gavel to the Resource Management Committee Chair Senft, who called the Committee meeting to order. (Audio – 00:25:35)**

#### **Resource Management Committee**

##### ***Discussion***

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

- 33. Reauthorize Initiation of Rulemaking to Amend Rule 40D-2.302, Florida Administrative Code, to Reserve Flows from the Upper Peace River Watershed for the Restoration of Minimum Flows (MFL) for the Protection of Fish and Wildlife**

Mr. Randy Smith, Surface Water Improvement & Management Program Manager, provided a status update on the Lake Hancock modification project. He stated the lake level will be raised a foot and a half by capturing the wet weather flows and that water will be released during the dry season.

Mr. Smith provided a presentation on the Lake Hancock Lake Level Modification project. This presentation included a history of the established minimum flows and levels in the Upper Peace River. He stated all components of the Lake Hancock Lake Level Modification project have been completed and the District is prepared to proceed with raising the Lake level this summer in accordance with the Southern Water Use Caution Area Recovery Strategy approved by the Board. Polk County (County) and the Florida Department of Transportation (FDOT) are developing a trail around Lake Hancock and District is coordinating with these entities to determine what impacts the new lake levels will have on this.

The District has also completed feasibility work on an additional project which will involve a low flow diversion berm around a sink feature located in the Upper Peace River. The Lake Hancock project will be monitored for several years, and if needed, this low flow berm project could be implemented in the future.

Committee Chair Senft asked how long the Lake Hancock has been ongoing. Mr. Hammond responded approximately ten years.



Board Member Beruff asked why staff is not moving forward with the Low Flow diversion project at this time. Mr. Smith responded that the Lake Level project benefits are conservative. District staff would like to monitor the project benefits for several years to determine if the Low Flow diversion project is needed. Mr. Hammond added that some people feel that the water that is draining into the sink features in the upper Peace River is beneficial. Staff feels assessing and monitoring the real data is the best option at this time

**A motion was made and seconded to approve the staff's recommendation. Motion carried unanimously. (Audio – 00:30:33)**

***Submit & File Reports***

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

**34. Lower Hillsborough River Recovery Strategy Implementation - Annual Update**

**35. SWUCA Five Year Assessment Outreach Results**

Mr. Hammond stated this is the final report. The District has met with stakeholders and included their recommendations.

***Routine Reports***

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

**36. Minimum Flows and Levels Status Report**

**37. Significant Water Supply and Resource Development Projects**

**Committee Chair Senft adjourned the Committee meeting, and relinquished the gavel to the Regulation Committee Chair Moran, who called the meeting to order. (Audio 00:35:03)**

**Regulation Committee**

***Discussion***

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

**39. 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.

**40. Coordination Agreement Between the U.S. Army Corps of Engineers and Southwest Florida Water Management District - State Programmatic General Permit**

Ms. Michelle Hopkins, Environmental Resource Bureau Chief, provided a presentation regarding a Coordination Agreement between the District and the Corps to implement the State Programmatic General Permit (SPGP) within the District's boundaries. This presentation included an explanation of the SPGP, how it will be implemented through the Coordination Agreement, and the impact it will have on staff workload. She stated activities will be governed by the existing FDEP Operating Agreement. Ms. Hopkins stated the St. Johns River Water Management District (SJRWMD) was the first of the water management district to implement the SPGP on behalf of the Corps.

Committee Chair Senft asked how long the SJRWMD has been implementing this program. Ms. Hopkins responded since December 2013. Committee Chair Senft asked if the process has gone smoothly. Ms. Hopkins responded the upfront screening can be a little cumbersome but the process appears to be running smoothly.

Vice Chair Maggard asked if General Counsel approves this agreement. Ms. Kate Zamboni, Senior Attorney, responded in the affirmative.

Staff recommended the Board approve the Coordination Agreement between the U.S. Army Corps of Engineers Jacksonville District and the District regarding the Corps' State Programmatic General Permit.

**A motion was made and seconded to approve the staff's recommendation. Motion carried unanimously.** (Audio – 00:45:58)

***Submit & File Reports*** – None

***Routine Reports***

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

**41. Overpumpage Report - July 2015**

**42. Individual Permits Issued by District Staff - July 2015**

**Committee Chair Moran adjourned the Committee meeting, and relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Maggard, who called the meeting to order.** (Audio 00:46:28)

**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 hydrologic conditions status report. He stated the month of June was drier than normal. The 12-month rainfall conditions have improved. Groundwater in all regions are within normal. Lake conditions are increasing. Lakes within the Tampa Bay and Polk Upland areas have improved. Northern lakes and the Lake Wales Ridge lakes are also showing an increase.

All of the major river systems have shown an increase, this includes the Withlacoochee, the Hillsborough and the Alafia Rivers. The Bill Young Reservoir and the Peace River Water Supply Authority are at normal levels. The conditions are considered favorable for a stronger than normal El Niño cycle which can diminish storms that may develop in the Atlantic. The three-month forecast indicates temperatures will be above normal during the summer with above normal rainfall expected. Temperatures during the winter season are expected to be cooler.

Chair Babb addressed the flooding that is occurring in some areas of the District. Mr. Armstrong responded the District's primary focus has been on the regional systems and the operations of structures to assist in creating storage before a storm occurs. Staff is continuing to monitor systems. Mr. Armstrong stated the District has notified municipalities/entities that there are two pumps available if requested.

Board Member Senft asked if there is access to additional pumps. Mr. Armstrong responded in the affirmative. Additional pumps can be requested through the state.

Executive Director Beltran stated the District has automated 41 of the 80 structures the District operates.

Board Member Dunbar asked if staff has kept apprised of the events that are occurring in the Timber Oaks development. Ms. Alba Mas, Director of Regulation, responded in the affirmative.

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

**Submit & File Reports – None**

**Routine Reports**

The following items were 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 – 00:58:25)**

**General Counsel's Report**

**Discussion**

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

Chair Babb introduced Karen West as the newly appointed General Counsel.

**Submit & File Reports - None**

**Routine Reports**

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

**48. Southwest Florida Water Management District's Response to the Office of Fiscal Accountability and Regulatory Reform's 2015 Annual Review Questionnaire**

Ms. Karen West, General Counsel, provided an update on a request for hearing that was received by FDEP for rule consistency regarding the Chassahowitzka and Homosassa Rivers MFLs. Ms. West stated, after appeals, the court has affirmed FDEP's hearing without opinion.

**49. July 2015 - Litigation Report**

**50. July 2015 - Rulemaking Update**

**Committee/Liaison Reports**

**51. Well Drillers Advisory Committee**

Board Members were provided a written summary of the July 8, 2015 meeting.

**52. Environmental Advisory Committee**

Board Member Griffin asked if this item could be presented at the next Board meeting. Chair Babb agreed.

**Executive Director's Report**

**53. Executive Director's Report**

Executive Director Beltran expressed appreciation for the accomplishments the staff has made regarding various projects which include, but not limited to, seagrass restoration, the TECO reclaimed water, and the City of Tampa reclaimed water. He also stated staff has made great efforts in budget development by maximizing project spending, continuing to find efficiencies and minimizing operating expenditures while still reducing the millage rate.

**Chair's Report**

**54. Employee Milestones**

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

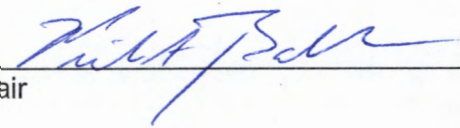
**55. Other**

The next Governing Board meeting is scheduled for August 25 in Tampa. The September 29 meeting is also scheduled in Tampa.

There being no further business to come before the Board, a motion was made and seconded to adjourn the meeting. Motion carried.

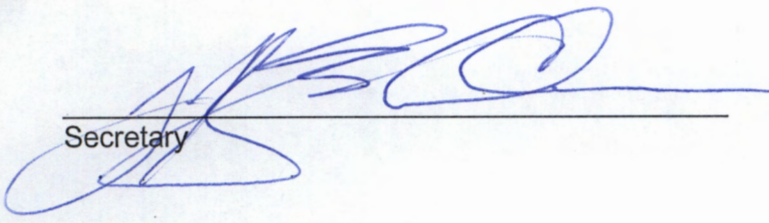


The meeting adjourned at 10:04:24.

  
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Chair

Attest:

  
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Secretary