

# APPROVED

## MINUTES OF THE MEETING

### GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

DECEMBER 17, 2013

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:15 a.m. on December 17, 2013, at the District's Tampa Service Office. The following persons were present:

#### Board Members Present

Carlos M. Beruff, Chair  
Randall S. Maggard, Secretary  
Jeffrey M. Adams, Treasurer  
Wendy Griffin, Member  
George W. Mann, Member  
Michael A. Moran, Member  
H. Paul Senft, Member

#### Board Member via Teleconferencing

Bryan K. Beswick, Member

#### Board Members Absent

Michael A. Babb, Vice Chair  
Thomas E. Bronson, Member  
David W. Dunbar, Member  
Todd Pressman, Member

#### Staff Members

Robert R. Beltran, Executive Director  
Kurt P. Fritsch, Inspector General  
Laura J. Donaldson, General Counsel  
Mark A. Hammond, Division Director  
Alba E. Más, Division Director  
Kenneth L. Frink, Division Director

#### Board's Administrative Support

Cara Martin, Board & Executive Services Manager  
LuAnne Stout, Administrative Coordinator

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** (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. Mr. Beswick acknowledged that he was participating via telephone.

#### 2. **Pledge of Allegiance and Invocation**

Mr. Rathke offered the invocation and 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 – 00:00/16:00)

3. **Additions/Deletions to Agenda** (Video – 03:51)  
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 that there is one addition to the agenda as follows:

PUBLIC HEARING & MEETING

- Oath of Office for Newly Appointed Board Member

### **Oath of Office for Newly Appointed or Reappointed Board Members**

The Oath of Office was administered to Mr. Michael Moran who was appointed by Governor Scott on December 5, 2013 to serve until March 1, 2015. Mr. Moran is a resident of Sarasota County, and represents Charlotte and Sarasota Counties. (Video – 06:01)

**Mr. Maggard moved, seconded by Mr. Senft, to approve the agenda as amended. Motion carried unanimously.** (Audio – 16:00/17:55)

4. **Public Input for Issues Not Listed on the Published Agenda**  
Chair Beruff noted that two *Request to Speak* cards were submitted.

Mr. Brad Rimbey, resident of Citrus County, spoke regarding the Chassahowitzka River restoration and state springs' conditions. He noted that the Springs Eternal Catalogue provided to Board members shows the exhibit that is traveling around the state.

Ms. Cathy Harrelson, resident of Pinellas County, spoke regarding the Gulf Restoration Network and springs/water protection. She noted the importance of water to every citizen. (Audio – 17:55/23:10)

### **CONSENT AGENDA** (Video – 11:50)

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.

A number of *Request to Speak* cards were submitted for Item 5. **Mr. Adams moved, seconded by Mr. Maggard, to move Item 5 for discussion on the Regulation Committee agenda. Motion carried unanimously.**

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**

5. **Individual Water Use Permits (WUPs) Referred to the Governing Board – WUP No. 20020382.000 - City of Tampa / Blue Sink MFL Pump Station (Hillsborough County)** – This item was moved to Regulation Committee Discussion Items.

### **Operations & Land Management Committee**

6. **Accept Easement Donation – Regional Observation and Monitor Well Program (ROMP), SWF Parcel No. 15-020-131**  
Staff recommended the Board accept the donation of SWF Parcel No. 15-020-131.

### **Resource Management Committee**

7. **Approve Scope Change – Duck Slough Best Management Practices Implementation Project (N540)**

Staff recommended the Board approve the scope change for the Duck Slough BMPs Implementation project to include design, permitting, and construction of stormwater BMPs to address flooding in the Trinity and Thousand Oaks communities in southwest Pasco County with no change in the cost of the project.

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

8. **Budget Transfer Report**

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for November 2013.

9. **Information Technology Bureau Enterprise Computer Storage Replacement**

Staff recommended the Board:

- (1) Approve the transfer \$1,500,000 from the Computer Renewal and Replacement Sinking Fund to procure hardware, software, warranty and services associated with the replacement of the District's enterprise computer storage systems; and
- (2) Approve encumbrances to CDW Government LLC in an amount not to exceed \$1,500,000 for purchases related to the District's enterprise computer storage systems.

### **General Counsel's Report**

10. **Administrative, Enforcement and Litigation Activities that Require Governing Board Approval** – None

11. **Rulemaking** – None

### **Executive Director's Report**

12. **Approve Governing Board Monthly Meeting Minutes – November 19, 2013**

Staff recommended the Board approve the minutes as presented.

**Mr. Maggard moved, seconded by Ms. Griffin, to approve the Consent Agenda as amended. Motion carried unanimously. (Audio – 23:10/24:20)**

Chair Beruff relinquished the gavel to Regulation Committee Chair Mann who called the Committee meeting to order.

## **REGULATION COMMITTEE (Video – 12:45)**

13. **Consent Item(s) Moved for Discussion**

5. **Individual Water Use Permits (WUPs) Referred to the Governing Board – WUP No. 20020382.000 - City of Tampa / Blue Sink MFL Pump Station (Hillsborough County)**

Mr. Darrin Herbst, Chief, Water Use Permit Bureau, said this is a new water use permit which authorizes the withdrawal of an annual average quantity of 1,742,700 gallons per day (gpd) from the Blue Sink. The authorized quantities are necessary to assist in meeting the minimum flow of the lower Hillsborough River below the dam established in Rule 40D-8.041(1)(b), Florida Administrative Code (F.A.C.), and in accordance with Rule 40D-80.073(8), F.A.C., the Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area, and the Hillsborough River Strategy. Special conditions include those that require the Permittee to install and maintain flow meters, record and report meter readings monthly, cap withdrawals that are not in use, submit annual water use reports, investigate well and water quality complaints, and comply with the Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area. The permit application meets all Rule 40D-2 Conditions for Issuance.

Staff recommended the Board approve the proposed permit included in the Board's meeting materials. (Audio – 24:20/28:00)

Messrs. Jim Wilson and Joe Pardo, residents of the North Forest Hills Subdivision, voiced their concerns for water availability and pollution and drilled well problems, as well as sinkholes.

Mr. John Ovink, founding member of the Friends of the River, spoke in favor of using the Blue Sink as proposed in the permit.

Ms. Barbara Ewanowski, resident of Tampa, said she lives on the property bought in 1966 near the Blue Sink and the Ewanowski spring which feeds into the Blue Sink. She said the conduit from the spring to Blue Sink is blocked with debris and needs to be opened. She noted that a number of oak trees have died because of the blockage.

Mr. Rich Brown, member of the Friends of the River, noted that the scientific information for the minimum flows and levels will be available by the end of January 2014.

Messrs. Herbst, Hammond and Brad Baird, representing the City of Tampa, provided clarification to questions raised by Board members.

Ms. Terre Tulsiaak, resident of Tampa, spoke about considering other options such as the use of a downtown spring for drinking water.

**Chair Beruff moved, seconded by Mr. Maggard, to approve the proposed permit as presented and included in the Board's meeting materials. Motion carried unanimously.** (Audio – 28:00/56:00, Video – 44:10)

14. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, said November marks the second month of the eight-month (October through May) dry season and is historically the driest month of the year, with a District-wide long-term rainfall average of just 1.8 inches. Rainfall totals for the month were above-normal in the northern region, while they were within the normal range in the central and southern regions. Rainfall during the month was regionally variable and associated with Gulf moisture interacting with several frontal systems. The District-wide 12-month and 24-month rainfall deficits diminished during November, ending the month approximately 1.3 and 5.1 inches, respectively, below their long-term historic averages. Although most hydrologic indicators showed expected "seasonal" declines during November, the normal to above-normal rainfall during the month slowed the declines, with regional groundwater and streamflow levels remaining within their normal ranges. Regional lake levels saw declines, with the Tampa Bay region remaining in the normal range and the Northern, Polk Uplands and Lake Wales Ridge regions remaining at below-normal levels. The US Drought Monitor (as of November 26) indicates normal moisture conditions remain throughout the District, while NOAA climate forecasts continue to predict below-normal rainfall from December through April. Extended drier-than-normal rainfall conditions during the winter/spring months will worsen overall hydrologic conditions.

Mr. Warren Hogg, representing Tampa Bay Water, provided an update on desalination plant status, reservoir renovation, and Alafia River usage. (Audio – 00:56:00/01:04:40, Video – 53:20)

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

15. **Consider Water Shortage Order Recommendations**

Ms. Lois Sorensen, Demand Management Program Manager, provided a brief overview of the District's Water Shortage Plan. She noted that the District's central region (Hillsborough, Pasco, Pinellas and Polk counties) has two regional drought indicators that are severely abnormal and effect water availability in three of these four counties: (1) eight-week flow for Alafia River at Lithia and (2) seven-day flow for Alafia River at Lithia. Additional considerations in the central region are December rainfall has been below normal, the current forecast is for below-normal rainfall through March, and public supply storage in three counties is limited due to ongoing reservoir renovation.

Staff recommended the Board approve Water Shortage Order No. SWF 2013-064 to (1) declare a Phase II Water Shortage; (2) limit the declaration area to Hillsborough, Pasco and Pinellas counties; and (3) focus the declaration on lawn and landscape irrigation restrictions. (Audio – 01:04:40/01:12:15)

**Chair Beruff moved, seconded by Mr. Senft, to approve Water Shortage Order No. SWF 2013-064 to (1) declare a Phase II Water Shortage; (2) limit area to Hillsborough, Pasco and Pinellas counties; and (3) focus on lawn and landscape irrigation restrictions. Motion carried unanimously.** (Audio – 01:12:15/01:13:50, Video – 62:20)

16. **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.

17. **Overpumpage Report**
18. **E-Permitting Metrics: Online vs. Paper Applications**
19. **Individual Permits Issued by District Staff**
20. **Resource Regulation Significant Initiatives**

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 – 62:35)

***Discussion Items***

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

22. **Feral Hog Control Program Update and Proposed Enhancements**

Messrs. Frink and Joe Quinn, Land Management Section Manager, provided an update on Land Management's FY2014 feral hog population control productivity and reviewed proposed enhancements using a portion of the additional \$80,000 program appropriation approved at the July 2013 Governing Board meeting. The use of those funds is requested for the following proposed modifications:

- \$10,000 reserved for anticipated costs associated with operating check stations on 18 projected Florida Fish and Wildlife Conservation Commission feral hog-dog management hunts on Master Wildlife Management Areas (WMAs) during the non-hunting season. Use of flex time and other options will be exercised to the greatest extent practicable in order to minimize the use of these funds.
- \$5,000 reserved for costs associated with unforeseen maintenance, repair, vandalism/theft of equipment associated with hog control.

Staff recommended the Board approve continuing to manage feral hog populations with the proposed modifications to the current program. This will allow staff to gauge the effectiveness of the new three phase feral hog-dog management hunts and the productiveness of control under the new Master WMA Agreement. With this plan, the Governing Board would still have funds available in the event staff is requested to propose a different approach.

**Chair Beruff moved, seconded by Mr. Adams, to approve continuing to manage feral hog populations with the proposed modifications to the current program as presented. Motion carried unanimously.** (Audio – 01:13:50/01:17:30, Video – 65:55)

**Submit & File Reports** – None

**Routine Reports**

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

23. **Recreation Ad Hoc Committee Update**
24. **Structure Operations**
25. **Significant Activities**

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

**RESOURCE MANAGEMENT COMMITTEE** (Video – 66:16)

**Discussion Items**

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

27. **Central Florida Water Initiative Draft Regional Water Supply Plan Update**

Mr. Jason Mickel, Water Supply Manager, Water Resources Bureau, said the purpose of this item is to provide the Board with a status of the Central Florida Water Initiative (CFWI) Draft Regional Water Supply Plan (RWSP) Development and Public Involvement Process. He noted that, in September 2013, Mr. Hammond provided an overview of the CFWI, and today the focus will be on the Plan's development and public outreach efforts.

Mr. Mickel said a draft RWSP has been completed and posted to the CFWI website (cfwiwater.com) for stakeholder review and comment. A draft executive summary was included as an exhibit in the Board's meeting materials. Public participation in this process is critical to ensure the RWSP reflects the needs and issues of the people that live in the region. The RWSP's next steps and tentative time frame includes:

- The 45-day public comment period on the draft RWSP started on November 26, 2013, when it was posted to the CFWI website; and ends on January 10, 2014.
- The public involvement process has been ongoing and a public workshop was held on December 12, 2013, to present the draft RWSP to stakeholders and solicit feedback.
- The Water Management Districts (WMDs) will present the draft RWSP to the respective governing boards during the public comment period: South Florida WMD – December 12, Southwest Florida WMD – December 17, and St. Johns River WMD – January 7, 2014.
- Final RWSP. (Audio – 01:17:30/01:28:00, Video – 76:30)

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

28. **Fiscal Year 2014-15 Cooperative Funding Process**

Mr. Hammond said the purpose of this item is to update the Board on the fiscal year 2014-15 Cooperative Funding which is the District's signature program. He noted that two changes have occurred: (1) the program is now part of the Project Management Office; and (2) Mr. Randy Smith, Project Manager, oversees the program.

Mr. Smith provided an overview of the process and timeline to prepare the Board members for their upcoming February regional public meetings. The Cooperative Funding Initiative application deadline was October 4, 2013: 140 applications were initially received with four being deemed incomplete and nine withdrawn; 127 applications are under evaluation totaling more than \$78 million in District funding requests. The proposed February and April meeting schedule for the four regional subcommittees is detailed below:

PLANNING REGION	MEETING DATE	MEETING TIME	LOCATION
Northern	February 5	10:00 a.m.	Brooksville
Heartland	February 6	10:00 a.m.	Bartow
Southern	February 13	1:30 p.m.	Sarasota
Tampa Bay	February 14	10:00 a.m.	Tampa

PLANNING REGION	MEETING DATE	MEETING TIME	LOCATION
Northern	April 9	10:00 a.m.	Brooksville
Heartland	April 10	10:00 a.m.	Bartow
Tampa Bay	April 16	10:00 a.m.	Tampa
Southern	April 17	1:30 p.m.	Sarasota

Mr. Maggard requested electronic invitations be sent to reserve each member's calendar for the above dates, times and locations.

The following topics are proposed for the Board's discussion at the February meetings:

- Summarize Funding Applications Received by Region
- Discuss Past Budgeted Expenditures by Region
- Receive Public/Stakeholder Input
- Review Preliminary Project Rankings
- Select Projects to Review in April
- Review Timeline and Next Steps

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.

**Chair Beruff moved, seconded by Mr. Maggard, to approve the staff recommendation as presented. Motion carried unanimously. (Audio – 01:28:00/01:33:47, Video – 82:16)**

**Submit & File Report**

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

29. **Southern Water Use Caution Area Recovery Strategy – Annual Status**

**Routine Reports**

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

30. **Minimum Flows and Levels**

31. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**

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

Resource Management Committee Vice Chair Griffin adjourned the Committee meeting and relinquished the gavel to Finance/Outreach & Planning Committee Chair Adams who called the Committee meeting to order.

## **FINANCE/OUTREACH & PLANNING COMMITTEE** (Video – 82:20)

### ***Discussion Items***

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

34. **Preliminary Fiscal Year 2014-15 Budget**

Mr. Rathke said the purpose of this item is to approve the District's preliminary budget for fiscal year (FY) 2014-15 for submission to the Florida Legislature by January 15, 2014. The FY2014-15 Preliminary Budget has been provided to the Department of Environmental Protection (DEP) for review and comment. Mr. Rathke provided a brief review of the preliminary budget by expenditure and revenue categories.

Staff recommended the Board approve the District's preliminary budget for FY2014-15 for submission to the Florida Legislature by January 15, 2014.

**Chair Beruff moved, seconded by Mr. Senft, to approve the staff recommendation as presented. Motion carried unanimously.** (Audio – 01:33:47/01:42:35, Video – 91:03)

At Committee Chair Adams' request, Mr. Fritsch provided a brief overview of the State Auditor General's completed audit (October 1, 2011 through February 28, 2013). He noted that it had been 13 years since the last audit and five full-time Auditor General staff members were onsite for five months. He said Board members received a copy of the completed report electronically from the Office of the Auditor General. (Audio – 01:42:35/01:52:25, Video – 101:03)

***Submit & File Reports*** – None

### ***Routine Reports***

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

35. **Legislative Update**

36. **Treasurer's Report and Payment Register**

37. **Monthly Financial Statement**

38. **Monthly Cash Balances by Fiscal Year**

39. **Comprehensive Plan Amendment and Related Reviews**

40. **Significant Activities**

Finance/Outreach & Planning Committee Chair Adams adjourned the Committee meeting and relinquished the gavel to Chair Beruff.

## **GENERAL COUNSEL'S REPORT** (Video – 101:20)

Ms. Donaldson provided an update on several items for the Board's information.

- At the August 2013 Board meeting, District staff was authorized to initiate litigation against Parsons relating to the design of the Lake Hancock project. She said, during the past month, staff filed a complaint against Parsons in the amount of \$3.7 million related to increased District costs. Staff will be moving forward with mediation and seeking outside counsel for the litigation pursuant to policy if the mediation is not successful.
- During the September 2013 Board meeting, the Board approved a rule change to include re-submittals associated with a denial and legal challenge as part of a waiver of an application fee. Since that rule approval, state-wide environmental resource permitting rules went into



effect and the District cannot provide the waiver as it relates to environmental resource permits. Staff will continue with rulemaking as it relates to consumptive use and well construction permits.

- A lawsuit was filed against the District last week regarding a SWIM project and land contamination. Staff has filed a motion to dismiss for a second time. (Audio – 01:52:25/01:55:00)

### ***Discussion Items***

41. **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.

42. **Litigation Report**  
43. **Rulemaking Update**

### **COMMITTEE/LIAISON REPORTS** (Video – 103:27)

44. **Joint Agricultural and Green Industry Advisory Committees Meeting** – Written report provided for the Board's information.  
45. **Other Committee/Liaison Reports** – None

### **EXECUTIVE DIRECTOR'S REPORT** (Video – 103:50)

46. **Executive Director's Report**
- a. **Office of Executive Director – Fiscal Year 2013-14 Performance Goals and Objectives**  
Mr. Beltran said the theme is to create a collaborative teamwork environment to achieve efficiency; continue to have technical excellence; and improve the organization's health to serve the mission, vision and values of the District. His five goals are (1) implement and monitor the Strategic Plan; (2) continue to find efficiencies in policies and business management protocols; (3) continue to improve employee morale through increased internal communications, and engagement of senior staff in employee committee events and through other District events; (4) continue to improve District project execution and efficiency while maintaining appropriate exposure to risk; and (5) develop and implement current and future technical leadership to support core mission areas. The Governing Board had no revisions to the Executive Director's 2013-2014 Performance Goals. (Audio – 01:55:00/01:59:30, Video – 107:60)
- b. **Office of Inspector General – Fiscal Year 2013-14 Audit Plan**  
Mr. Fritsch noted that, in accordance with Section 373.079 and Section 20.055, Florida Statutes, the Office of Inspector General develops an annual audit plan for approval by the Governing Board. By approving the proposed audit plan, the Board authorizes the inspector general to provide assurance, consulting, investigative, and training services. The audit plan also embodies the inspector general's performance goals for the fiscal year.

Mr. Fritsch reviewed the proposed FY2014 Annual Audit Plan which shows the office's anticipated work schedule and presented specific cost estimates for the provision of services. He noted that the proposed plan will support the Executive Director's goals.

Staff recommended the Board approve the Office of Inspector General's FY2013-14 Annual Audit Plan.

**Mr. Maggard moved, seconded by Mr. Senft, to approve the Office of Inspector General's FY2013-14 Annual Audit Plan as presented. Motion carried unanimously.** (Audio – 01:59:30/02:11:25)

c. **Other** – None

## **CHAIR'S REPORT** (Video – 120:50)

### 47. **Chair's Report**

a. **Employee Service Milestones**

This item provided a list of employees who have reached five-year increments in service to the District. This item was provided for the Board's information, and no action was required.

b. **Other** – None

Chair Beruff recessed the public hearing.

There being no further business to come before the Board, **Chair Beruff moved to adjourn the meeting. Mr. Maggard seconded the motion, and it carried unanimously.** (Audio – 02:11:25/02:13:00, Video – 121:35)

The meeting was adjourned at 11:15 a.m.