

# APPROVED

## MINUTES OF THE MEETING

### HILLSBOROUGH RIVER BASIN BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Tampa, Florida

April 7, 2008

The Hillsborough River Basin Board of the Southwest Florida Water Management District convened for a regular meeting at 9:00 a.m. on April 7, 2008, at the Tampa Service Office.

#### Board Members Present

Heidi B. McCree, Chair Ex Officio  
George R. Burt, Vice Chair  
Hugh M. Gramling, Secretary  
Renee Benton, Member  
Devon Higginbotham, Member

#### Member Absent

Gary P. Reckart, Member

#### Recording Secretary

Annette D. Zielinski

#### Staff Members Present

Bruce C. Wirth	Beth Putnam
Lou Kavouras	Maya Burke
Mark Hammond	Ralph Lair
Eric DeHaven	Jennette Seachrist
Mike Holtkamp	
Linda Pilcher ( <i>via video conference</i> )	
Kathy Scott	
Allison Ramoy	
Sid Flannery	
Veronica Craw	
Marty Kelly	

A list of others who attended and signed the attendance roster is filed in the permanent files of the Basin. Compact discs of the audio and copies of materials and handouts, as set forth in full herein, are also filed in the permanent files of the District.

#### 1. Call to Order and Roll Call

Chair McCree called the meeting to order at 9:09 a.m. Ms. Zielinski called the roll and noted a quorum was present. (CD 1/Track 2 – 00:00/00:49)

#### 2. Pledge of Allegiance to the American Flag

Chair McCree led the Pledge of Allegiance to the American Flag.

#### 3. Additions/Deletions to Agenda

Ms. Kavouras said Item 4, Oath of Office for Newly Appointed Board Member, and Item 5. b., Land Use and Management Plan for the Conner Preserve, were deleted from the agenda.

#### 4. Oath of Office for Newly Appointed Board Member

This item was deleted from the agenda.

#### 5. Consent Items:

##### a. February 11, 2008, Meeting Minutes

Staff recommended approval of the February 11, 2008, meeting minutes, as presented.

##### b. Land Use and Management Plan for the Conner Preserve

This item was deleted from the agenda.

##### c. Transfer of Funds for the Quality of Water Improvement Program (B099)

Staff recommended the Hillsborough River Basin Board approve the transfer of \$20,000 (\$10,000 from the Hillsborough River Basin's WSRD reserves and \$10,000 from the Governing Board WSRD reserves) to the Geohydrologic Data Section's QWIP Program

to continue funding well plugging reimbursements for the remainder of the 2008 fiscal year.

Following consideration, **Mr. Gramling moved, seconded by Mr. Burt, to approve the Consent Agenda as amended. Motion carried unanimously.** (CD 1/Track 2 – 00:49/01:59)

6. **Discussion Items:**

a. **Election of Officers and Committee Representatives**

Election results were the following:

**Vice Chair:** George Burt

**Secretary:** Hugh Gramling

**Basin Board Land Resources Committee:**

Primary Representative: George Burt

Alternate: Devon Higginbotham

**Basin Board Education Committee:**

Primary Representative: Hugh Gramling

Alternate: Renee Benton

**Hillsborough River Interlocal Planning Council:**

Primary Representative: Renee Benton

Alternate: Open

(CD 1/Track 3 – 00:00/05:04)

b. **Consumer Fertilizer Task Force Report**

Ms. Veronica Crow, Manager, Resource Projects Department, provided the Board with a brief overview of the work of the Florida Consumer Fertilizer Task Force and a summary of their final report to the 2008 Florida Legislature.

The Florida Consumer Fertilizer Task Force was created within the Department of Agriculture and Consumer Services (DACS) by the Florida Legislature on July 1, 2007 to review and provide recommendations on the state's policies and programs addressing consumer fertilizers. The Task Force strove to assist local governments to comply with state and federal water quality standards, and to provide uniformity while accounting for geographic diversity and variations within Florida.

It was recommended that the Limited Commercial Landscape Maintenance certification be expanded to include fertilizer best management practices. In addition, a model ordinance concerning the use of nonagricultural fertilizer was developed for use by local governments who chose to adopt it. The Task Force supported public education regarding fertilizer use based on the University of Florida Institute of Food and Agricultural Sciences' six best practices for lawn care, and it recommended the continued support of ongoing research projects on fertilizer management. Finally, the Task Force recommended a dedicated funding source be provided for education and training by authorizing DACS to increase their tonnage fee on the sale of nitrogen and phosphorus.

The Final Report was adopted unanimously by the Task Force at its January 11, 2008 meeting and DACS was authorized to transmit the document to the Legislature on January 15, 2008. The Task Force was abolished upon submittal of the Final Report.

This item was for the Board's information only; no action was required. (CD 1/Track 4 – 00:00/10:56)

c. **Tampa Bay Estuary Program Update (W027)**

Ms. Jennette Seachrist, SWIM Program Manager, Resource Management Department; introduced Ms. Holly Greening, Executive Director, Tampa Bay Estuary Program (TBEP). Ms. Greening provided a short presentation outlining the successes and challenges with regard to Bay recovery, the contributions local agencies have made to this recovery, and the benefits the TBEP provides to the region.

In 1987, the Florida Legislature established the Surface Water Improvement and Management Program. (SWIM) Act having recognized that water quality and habitat in surface waters throughout the state have degraded or are in danger of being degraded. The Act requires the District maintain a priority list of waterbodies of regional or statewide significance within their boundaries. The Act listed Tampa Bay as the District's number one priority. The District prepared the first SWIM Plan for Tampa Bay in 1988 with updates in 1992 and 1999. A fourth update is underway.

In 1990, the United States Environmental Protection Agency (USEPA) identified Tampa Bay as an estuary of Federal Significance and included it in the National Estuary Program. As a result of this designation, the Tampa Bay National Estuary Program was established in 1991 to assist the region in developing a comprehensive plan for the restoration and protection of Tampa Bay. The first Comprehensive Conservation and Management Plan (CCMP) for Tampa Bay, entitled "Charting the Course," was prepared in 1996 and updated in 2006. The Federal government provided the majority of funding during the first five years. The members of the original effort decided to continue with the program and in 1998, through an Interlocal Agreement, formed the Tampa Bay Estuary Program (TBEP) (dropping the Federal designation) as a partnership of federal, state, and local agencies and governments including several private industries. These entities include the USEPA, Florida Department of Environmental Protection, the District, Hillsborough, Manatee, and Pinellas counties and the cities of St. Petersburg, Tampa, and Clearwater. The Interlocal Agreement identified a long-term commitment to the program, which for the District requires annual funding approval at the Basin Board level. Since 1998 the District and other partners have completed numerous stormwater retrofit and habitat restoration projects toward achieving the goals of the CCMP and the SWIM Plan.

Mr. Burt inquired about the manatee population. Ms. Greening said that manatee population varies over time; however, in the last several years, the population has increased in this area. She said the increase in planted sea grass has helped to sustain a larger manatee population. Florida Fish and Wildlife maintains census data on manatee populations, and she said that information will be provided to Mr. Burt.

Chair McCree asked Ms. Greening what she considered TBEP's biggest goal as it relates to the Hillsborough River Basin Board. Ms. Greening said it would be the water quality standards and the associated challenges with meeting those standards over time, coupled with continued population increases.

This item was for the Board's information only; no action was required. (CD 1/Track 5 – 00:00/14:21)

d. **Sulphur Springs Weir Modifications (H401)**

Mr. Sid Flannery, Senior Environmental Scientist, Resource Projects Department, said staff is seeking to modify the scope of work for the fiscal year (FY) 2008 cooperative funding project for Sulphur Springs weir modifications to include a feasibility study of using Blue Sink to augment minimum flows to the lower Hillsborough River (LHR).

The District adopted minimum flow rules for the LHR in 2007. The LHR is not currently fully meeting the adopted minimum flows, so a recovery plan was adopted to implement projects to find sources of water to get the lower river into minimum flow compliance. The recovery plan identifies that modifications to the weir at Sulphur Springs and the use of flows from Blue Sink to help provide minimum flows will be evaluated. The City of Tampa (City) submitted a cooperative funding request in FY2008 to fund the modification of the weir on Sulphur Springs Run. The project was funded for \$300,000, with half of the funds (\$150,000) being split between the Hillsborough River Basin Board and the Governing Board (\$75,000 each). However, preliminary assessments by the consultants for the City indicate the weir modifications will not require all these funds.

The City has therefore requested that a portion of the funds for this project be used to conduct a feasibility study of using water from Blue Sink to help provide minimum flows to the LHR. Funding the project now will help get this potentially important component of the recovery plan underway earlier than anticipated. The City has submitted a scope for the Blue Sink feasibility analysis for \$99,903, which will keep the total funds for the Sulphur Springs weir modification project within the original \$300,000 budgeted amount for FY2008. Pending approval by the Hillsborough River Basin Board and the Governing Board, the scope of work for the project will be modified to allow this additional work.

Ms. Benton asked for an update regarding a study of the reservoir and its impact on Temple Terrace. Dr. Martin Kelly, Manager, Ecologic Evaluation Section, responded to Ms. Benton's inquiry. He said water quality collection will begin at Fowler Avenue in the next couple of months. There is a line item set aside in the FY2009 budget to continue with this work. Mr. Joe Gross, Director, Code Enforcement Temple Terrace, said District staff have been working with him and communicating their efforts to fast-track this water quality project and its commencement. Chair McCree suggested that a LHR routine report be created for the Hillsborough River Basin Board information notebook.

Staff recommended to:

- (1) Recommend the Governing Board approve the modification to the scope of work for the Sulphur Springs weir modifications project to include a feasibility study of using water from Blue Sink to help provide minimum flows to the LHR;
- (2) Approve the agreement with the City of Tampa for \$300,000, with the Basin's share not to exceed \$75,000; and
- (3) Authorize the Executive Director to execute the agreement.

Following consideration, **Mr. Gramling moved, seconded by Mr. Burt, to approve the staff recommendation. Motion carried; Ms. Benton voted in opposition.**  
(CD 1/Track 6 – 00:00/17:28)

e. **Tampa Bay History Center: Landscaping and Educational Signage Project**

Mr. Ralph Lair, Senior Community Affairs Coordinator, Community and Legislative Affairs Department, said staff is requesting out-of-cycle funding for a Florida-Friendly Landscaping Demonstration and Educational Signage project located at the Tampa Bay History Center. The Tampa Bay History Center is a non-profit educational institution currently operating a history and heritage museum and research library in downtown Tampa. The City of Tampa and the Florida Communities Trust have already demonstrated a commitment to the History Center's vision by providing a 2.4-acre tract of waterfront property in downtown Tampa for the new facility. Anchored on this site, the museum which currently is under construction will complement Tampa's Riverwalk and serve as a key location for the presentation of many community-wide events.

If approved, the District's \$50,000 contribution toward the project would include \$16,667 each from the Alafia River, Hillsborough River, and Northwest Hillsborough Basin Boards (\$40,000 will be applied toward the cistern and landscaping, and \$10,000 toward educational signage). The District would have oversight of the Florida-Friendly Landscape design, plant selection, irrigation cistern system, and input into the educational signage.

Staff recommended the Basin Board approve the transfer of \$16,667 from its FY2008 contingencies for the Tampa Bay History Center Landscaping and Educational Signage Project for a total project cost not to exceed \$50,000, and authorize the Executive Director to execute the agreement.

Mr. Gramling inquired why this project required an out-of-cycle funding request. Mr. Lair said the project is scheduled to be completed by October 2008. Mr. Gramling expressed strong reservations about this project because it is an out-of-cycle request, it is not a proven educational tool based on social marketing, it would not return a substantial benefit to the Basin, and it is not something that he believes is within the District's statutory authority. Ms. Benton wondered if the District had funded this type of project before and, if so, whether or not such projects were effective. Ms. Kathy Scott, Conservation Project Manager, Resource Projects Department, said Legends Field and I-275 are two landscape projects that the District has funded in the past. Ms. Beth Putnam, Manager, Communication Department, said she did not have data regarding the effectiveness of demonstration gardens; however, some of the current projects being developed today are connected with an opportunity to teach the public about Florida Friendly Landscape methods.

Mr. Burt concurred with Mr. Gramling's earlier comments and was also concerned that this would set a precedent to fund landscaping for all museums in the Tampa Bay area. Ms. Higginbotham was interested in the cistern system as an educational tool. She also inquired about maintenance issues and a cost comparison between the cistern system and the plant material. Chair McCree expressed concern about the other Basin Boards that have already agreed to provide funding for this project. Ms. Kavouras suggested having the Basin Board Education Committee involved in evaluating this project.

Following consideration, **Mr. Gramling moved, seconded by Mr. Burt, to reject the staff recommendation, clarify the funding policy, and hear a revised project proposal at an upcoming meeting. Motion carried unanimously.** (CD 1/Track 7 – 00:00/27:14)

f. **Fiscal Year 2009 Budget Preparation**

Mr. Bruce C. Wirth, Deputy Executive Director, Division of Resource Management, began the budget discussion by making comments to orient members on their first look at a preliminary budget for fiscal year (FY) 2009. He emphasized the importance of their direction concerning funding levels of the various budget categories, including prioritization of Cooperative Funding proposals and other Basin projects. First-time cooperative funding proposals, after staff review, were tentatively ranked as 1A, High, Medium, or Low priority. Mr. Wirth explained that the cooperative funding project ranking was preliminary. He also explained that the budget was prepared assuming ad valorem revenue at five percent below FY2008. This is due to tax reform legislation enacted in 2007, the constitutional amendment approved in January 2008, and declining property values. In June, staff will provide an updated ad valorem revenue estimate to the Basin Board and present a revised budget, based on the Board's input and further investigation by staff. At the July meeting, the Basin Board will vote on a final FY2009 millage rate and budget for recommendation to the Governing Board.

The preliminary budget assumes the millage rate will remain at 0.2547 and ad valorem revenues will be five percent below FY2008 for a total of \$11,914,972.

Mr. Burt, in response to comments Mr. Wirth made at the beginning of this presentation, regarding recent rainfall, inquired as to how Polk County rainfall is recorded and how it is reported to the media. Mr. Wirth said the numbers he discussed this morning were electronically reported from the Mulberry gauge. Staff will provide Mr. Burt detailed information on how data is collected and reported to the media.

District staff made presentations on the following significant projects prior to review of the overall budget: New Development Reclaimed Water Distribution Initiative; Watershed Management Program/FEMA, Lower Hillsborough River Recovery Strategy Implementation Project, Tampa Riverwalk Kiosks Project, Tampa Riverwalk Habitat Project, and History Museum Cistern and Landscape Project.

Regarding the Riverwalk Kiosks/Habitat Project, Mr. Gramling verified that the District will be consulted to make sure that messaging on the kiosks is consistent and science-based. He also asked if other entities were contributing to the City's project. Mr. Gramling expressed reservations about the habitat restoration project; he indicated that he is unwilling to spend money for a project with limited use and little ecological value. Ms. Benton noted that Riverwalk may not be a great venue for educational messaging, but she would like for the District to participate. Chair McCree encouraged Board members to continue to work with the City of Tampa on this project and to investigate their particular concerns.

Mr. Burt noted that the budget was essentially the same as last year; he expected to see a decrease in the Basin Board's overall budget in order to comply with the intent of the legislature. Mr. Wirth said the decrease is expected in the value of property. He reminded Mr. Burt that the roll-back in millage was accomplished in 2007. The Legislature is allowing room for the growth that occurred during the year and that is why the actual proposed dollar amount of the budget is very similar to last year's amount. Ms. Linda Pilcher, Assistant Director, Finance Department, confirmed that the District will not receive the actual property values until after the first of June 2008; therefore, it would be difficult at this time to say for certain how much money will be available.

Staff sought direction on developing the Basin's tentative FY2009 budget for the June 2008 meeting. Mr. Wirth thanked the Basin Board members for their comments and direction. He said staff greatly appreciates their guidance. (CD 1/Track 8 – 00:00/01:42:50)

7. **Reports:**

a. **Basin Board Education Committee**

Mr. Gramling, Primary Representative, Basin Board Education Committee, provided an overview of the Basin Board Education Committee meeting that was held on March 11, 2008, at the Tampa Service Office. The overview included reports regarding the election of vice chair, the water program for restaurant outreach, FY2007 Communications Department's accomplishments, focus groups and the drought communications plan. Chair McCree called the Board's attention to the discussion initiated by Ms. Rovira-Forino regarding a specialty license plate. This idea will be presented at the next meeting of the Florida Department of Environmental Protection and Water Management Districts.

This item was presented for the Board's information only; no action was required.

b. **Hillsborough River Interlocal Planning Board – Technical Advisory Committee**

Mr. Ralph Lair, Senior Community Affairs Coordinator, Community and Legislative Affairs Department, provided an overview of the highlights from the March 18, 2008 meeting. Presentations and discussions included water use permits on the Hillsborough River and water shortage ordinances.

c. **Report on Governing Board Activities**

Chair McCree said the update of key issues before the Governing Board can be viewed online. She also noted that the joint Governing Board/WRWSA workshop held in March was very productive and a great opportunity for issues to be discussed.

8. **Announcements**

Ms. Kavouras reminded the Basin Board members that the Tampa Bypass Canal Tour is scheduled for Wednesday, April 23, 2008, 8:00 a.m., starting from the Tampa Service Office.

9. **Adjournment**

Since there was no further business to come before the Board, Chair McCree adjourned the meeting at 12:10 p.m. (CD 1/Track 9 – 00:00/06:47)

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★ ★ ★ Information Items ★ ★ ★

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The item(s) listed below are for the Board's information, intended to keep the Board apprised of completed projects, cancelled projects, and projects that have executed contracts and are ready to begin. The item(s) did not require Board action at this time. Formal presentations were not made, but staff will make presentations and/or answer questions at the next Board meeting, if requested.

1. **Watershed Management Program Consulting Services in the Polk County Watershed - First Amendment (L672) - Execution Notice**
2. **Zephyrhills Reclaimed Water Extension Project (L824) - Execution Notice**

Attest:

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Chairman

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