

APPROVED

MINUTES OF THE MEETING

HILLSBOROUGH RIVER BASIN BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Tampa, Florida

June 4, 2009

The Hillsborough River Basin Board of the Southwest Florida Water Management District convened for a regular meeting at 1:30 p.m., on June 4, 2009, at the Tampa Service Office.

Board Members Present

Maritza Rovira-Forino, Co-Chair Ex Officio
Hugh Gramling, Co-Chair Ex Officio
Renee Benton-Gilmore, Vice Chair
Susan Welsh, Secretary
Joe Robinson, Member
George Burt, Member
Devon Higginbotham, Member

Staff Members

Lou Kavouras
Eric DeHaven
Michael Holtkamp
Marty Kelly
Maya Burke
Cori Cuttler
Jeanette Seachrist

Bruce C. Wirth
Mark Hammond
Doug Leeper
Miki Renner
Scott Letasi
Randy Emberg

Board Member(s) Absent

Mercy DiMaio, Member
Gary Reckart, Member

Recording Secretary

M. Frances Sesler

Video Conference

Linda Pilcher
Beth Putnam

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**

Co-Chair Hugh Gramling called the meeting to order at 1:30 p.m. Ms. Frances Sesler, Senior Administrative Assistant, called the roll and noted a quorum was present.

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

Co-Chair Gramling led the pledge of Allegiance to the American Flag.

3. **Additions/Deletions to Agenda**

Ms. Lou Kavouras, Deputy Executive Director, Outreach, Planning and Board Services, stated Item 6h was deleted from the agenda and will be presented at a future meeting.

(Ms. Renee Benton entered the meeting at this time)

4. **Basin Activities Report and Agenda Review**

Ms. Maya Burke, Basin Planner, reminded the Board that this item will be part of each Basin Board agenda, providing an opportunity for the Basin Planner to give highlights of activities in the Basin, either upcoming or those that have recently occurred. Ms. Burke said that Pasco County has recently begun the process of updating its Land Development Code to include new ordinances and area studies and solicit participation and input. A series of workshops are being held over the summer, and Ms. Burke will provide more information if anyone is interested. She explained how the items relate to the Board's Strategic Budget Priorities, the Strategic Plan, and other Board concerns.

This item was presented for the Board's information; no action was required. (CD 1/Track 1)

5. **Consent Items:**

- a. **Minutes of the February 3, 2009, Meeting**
Approve the February minutes as presented.
- b. **Fiscal Year 2009 Budget Amendment to Include Additional Revenue From Water Management Lands Trust Fund for Surface Water Improvement and Management Projects**
 1. Approve the amendment to the Hillsborough River Basin FY2009 budget to include \$455,000 of additional revenue from the WMLTF, and increase the budget from \$20,343,824 to \$20,798,824.
 2. Authorize the Executive Director to approve and execute agreements to add the WMLTF revenue to the MacDill AFB Ecosystem Restoration project (W396) for \$125,000; 30th and Hillsborough Water Quality Improvement project (W275) for \$200,000; Robles Park Water Quality and Natural Systems Improvement project (W235) for \$112,500; and Biennial Seagrass Mapping of Tampa Bay, Sarasota Bay, and Charlotte Harbor project (W331) for \$17,500.
- c. **Conveyance of a Permanent Drainage Easement to Florida Department of Transportation – Lower Hillsborough Flood Detention Area, SWF Parcel No. 13-300-780X**

Recommend the Governing Board:

 - Accept the appraisal;
 - Approve purchase/sale agreement;
 - Convey Permanent Drainage Easement to FDOT for its market value of \$174,000; and
 - Place the funds in the Governing Board's General Fund to be held for reinvestment in land within the Hillsborough River Basin Board.
- d. **Florida Department of Transportation Agreement for the FDOT North Dale Mabry Stormwater Retrofit and Wetland Restoration Project (W259)**
 1. Recommend the Hillsborough River Basin Board approve the amended agreement and add the FDOT outside revenue to the proposed FY2010 budget which increases the project funding by \$300,000;
 2. Authorize the Executive Director to sign the agreement.

After consideration, **Mr. Burt moved, seconded by Mr. Robinson, to approve Consent Items 5a, b, c, and d. Motion carried unanimously.** (CD 1/Track 1)

6. **Discussion Items:**

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

Election results as follows:
Vice Chair: Renee Benton-Gilmore
Secretary: Susan Welsh
Basin Board Land Resources Committee
Primary Representative: Devon Higginbotham
Alternate: Joe Robinson
Basin Board Education Committee
Primary Representative: Renee Benton-Gilmore
Alternate: Devon Higginbotham

Hillsborough River Interlocal Planning Board Technical Advisory Committee

Primary Representative: Joe Robinson

Alternate: Renee Benton-Gilmore (CD 1/Track 1)

b. **Middle Hillsborough River Study**

Mr. Doug Leeper, Environmental Scientist, Ecological Evaluation Section, presented this report and a summary of study results for the middle segment of the Hillsborough River.

District staff has met with the Temple Terrace River Watch Task Force for over two years on various issues related to the middle segment of the Hillsborough River, and at their request commenced a study of the middle segment of Hillsborough River in 2008. The study was done to document the factors that control water level changes in this segment of river and how various ecological and societal criteria are affected by water level fluctuation.

For purposes of the report and this presentation, the middle Hillsborough River is defined as the reach of the river that extends upstream from the City of Tampa's dam to Fletcher Avenue. The District has established minimum flows on the lower Hillsborough River below the City of Tampa's dam and on the upper Hillsborough River at the United States Geological Survey gauging station at Morris Bridge. The report examines the history of the middle river particularly as it relates to the impoundment of the river due to the City of Tampa's dam and compares water level fluctuations on the river segment to other rivers and lakes throughout the District. The report also considers water quality changes, both historic and recent, and the numerous management activities that have been undertaken over the years to maintain water levels on the middle river. These management actions have resulted in water levels in the middle river being maintained at levels higher than in any other river segment analyzed.

Mr. Robinson asked what Temple Terrace's basic complaint with the Middle River is. Mr. Leeper said, he along with other staff members, attended meetings regularly with Temple Terrace, and they are concerned mainly with water quality and quantity. As part of their project, Temple Terrace has asked District staff to investigate development of minimum flows and levels for the river segment. Mr. Leeper said staff decided it would not be appropriate to use the same method used for setting minimum flows for rivers because water will stack up above the river bed as a result of the City of Tampa's dam.

This item was presented for the Board's information; no action was required. (CD 1/ Track 1)

c. **Florida Department of Transportation Agreement for the Robles Park Water Quality and Natural Systems Improvement Project (W235)**

Chair Gramling said unless there are specific reasons to address this item, he would entertain a motion to accept staff's recommendations for approval; it is identical to Consent Item 5d on the Agenda. Following consideration, **Mr. Robinson moved, seconded by Ms. Benton-Gilmore, to approve Item 6c. Motion carried unanimously.** (CD 1/ Track 2)

d. **Lower Hillsborough River Recovery Strategy Implementation – Annual Update**

Dr. Martin H. Kelly, Ph.D., Minimum Flows and Levels Program Director, Resource Projects Department, provided an update regarding the implementation of the various projects outlined in the recovery strategy needed to meet the adopted minimum flow for the Lower Hillsborough River (LHR).

In the case of the LHR, a recovery strategy was needed. At the August 2007 meeting, the Governing Board incorporated into Rule 40D-80.073, Florida Administrative Code, a recovery strategy for the LHR which outlined several proposed projects and a timeline for their implementation. Implementation of specific projects is subject to applicable diagnostic/feasibility studies and contingent on any required permits

The City and the District entered into a cooperative agreement to perform needed weir modifications that are to be in place by October 1, 2009, as identified in the rule. A previous study of weir modifications was conducted by the City with District cooperation in conjunction with the establishment of minimum flows for Sulphur Springs. This study indicated that if the weir was modified at the mouth of the spring run, the run could be better protected against salinity incursions. This weir would need to be low enough to allow fish passage during periods of high tides, but high enough to prevent salinity incursions. The City proposes to install an operable weir so that adjustments can be made to protect the spring run during times of low flow. The weir could also be raised to allow full access to the spring run during times of high flow. These modifications would allow for greater management flexibility by the City to use flow from the spring to meet the minimum flow needs of both the LHR and Sulphur Springs run.

The purpose of the proposed projects is to provide a sufficient flow of fresh and low salinity water below the City's dam to restore a zone of low salinity habitat to the LHR. The current drought aside, water does not flow over the City's dam for an average of 200 days each year. Without this flow, the salinity below the dam is high, and no desirable low salinity habitat exists for much of the year.

All activities and projects proposed in the adopted recovery strategy have been conducted consistent with the timeline established in the rule, and preliminary results suggest that the desired goal of creating low salinity habitat below the dam can be sustained even under drought conditions.

This item was presented for the Board's information; no action was required. (CD 1/ Track 2)

e. **Lake Armistead Water Conservation Structure - Dock Modifications**

Mr. Michael L. Holtkamp, Director, Operations Department, requested the Board's approval to transfer \$25,000 from contingencies for the modification and/or in-kind replacement of two docks on Lake Armistead to allow for the maintenance of higher average water levels on the lake.

The former Northwest Hillsborough Basin Board constructed the Lake Armistead water conservation structure as a Basin Initiative in 2004 to raise the average water level in the lake from elevation 39.5 NGVD to about elevation 42.0 NGVD. The structure was constructed in response to a previous request from residents living on Lake Armistead to raise water levels. In raising the average water level on the lake by the construction of the structure, docks with deck elevations of 43.0 NGVD or below would be subject to continual or more frequent inundation, thereby rendering them unusable all or much of the time. At its February 2005 meeting, the Northwest Hillsborough Basin Board approved expending \$115,700 to raise seven docks to elevation 45.0 NGVD. All seven docks were subsequently elevated. This past rainy season, the Operations Department was contacted by a Lake Armistead resident complaining his dock had been rendered unusable as a result of the higher water levels now being maintained on the lake. In researching the complaint, it was determined that there are actually four docks on the

lake that are still below the 43.0 NGVD elevations. It is not known why these four docks were not elevated in connection with the original dock modification project in 2005. Two of these dock owners have requested their docks be elevated. Attempts were made to contact the two remaining dock owners, but to date they have not responded. Staff feels that it is important to elevate the two docks in order to allow for the maintenance of higher water levels on Lake Armistead without adversely affecting lake residents.

Staff estimates the modification and/or in-kind replacement of the two docks in question will cost approximately \$25,000. Funds are available in the Basin Board's contingency fund. The cost to elevate the two docks would be significantly higher due to the size and complexity of the docks. Staff recommended the Basin Board approve the transfer of \$25,000 from contingencies, and authorize staff to move forward with the modification and/or in-kind replacement of the two docks for which requests to elevate the docks have been received.

Following consideration, **Mr. Robinson moved, seconded by Ms. Benton-Gilmore, to approve staff's recommendation. Motion failed with Ms. Welsh, Ms. Benton-Gilmore, and Mr. Burt voting against.** (CD 1/Track 2)

In response to Ms. Welsh's question, Mr. Holtkamp said the docks will be elevated or replaced in-kind at the District's expense as was done in 2005. He noted that staff will be raising the water level and operating the structure to its full benefit in terms of water conservation. Ms. Higginbotham questioned why the District is replacing docks when it was the residents who requested the Board build the structure and raise the lake levels. Mr. Holtkamp said the decision was made by the Board at that time. Co-Chair Gramling noted that some of the docks look fairly new as if built recently. Mr. Holtkamp said the docks were in place in 2004. Mr. Robinson said at that time replacing the docks was the best thing to do for the lake and in the best interest of the residents who pay taxes.

Mr. Robinson requested that the Board reconsider and approve staff recommendation.

Ms. Welsh questioned whether in two months or a year if staff would be requesting another \$25,000. Mr. Holtkamp said the possibility exists since two dock owners have not responded. In response to co-Chair Rovira-Fornio's question, Mr. Holtkamp said the two dock owners have not been sent a formal letter. Ms. Higginbotham asked whether the elevation was checked originally on all of the docks during the 2005 dock project. Mr. Holtkamp said it is his understanding that all the docks that were below elevation 43.0 NGVD were raised. Co-Chair Gramling asked how four docks were missed, and Mr. Holtkamp replied he did not know.

Mr. Robinson said that certified letters should be sent to all homeowners with return receipt requested to let them know what is happening. He said the District is responsible for the impact of the control structure, and the homeowners should be accommodated regardless of the cost. Mr. Robinson said it is a one-time expense and once it is done, it's done. Mr. Robinson said when the Boards were merged, there were specific issues that were particular to Northwest Hillsborough and this is one. He said it might be Hillsborough River Basin Board now, but the commitment was made by the District's Northwest Hillsborough Basin Board. Mr. Robinson said that, if that is changed now, it will set a dangerous precedence. Co-Chair Gramling read the staff recommendation to approve the transfer of \$25,000 from contingencies, and authorize staff to move forward with the modification and/or in-kind replacement of the two docks for which requests to

elevate the docks have been received. **Mr. Robinson and Ms. Higginbotham voted in favor of the motion, Ms. Welsh, Ms. Benton-Gilmore and Mr. Burt voted against. Motion failed.** Mr. Robinson asked what about the notice to the homeowners. Co-Chair Gramling said there is no need now.

f. **Budget Transfer to Drew Park Implementation of Best Management Practices – Phase 1 (L828) and Phase 2 (N020)**

Scott D. Letasi, Staff Engineer, Engineering Section, Resource Projects Department, presented a request to approve the transfer of \$5,500,000 from the Basin's Stormwater Reserves (Z969 and Z970) to the City of Tampa (City) Drew Park Phase 1 (L828) and Phase 2 (N020) stormwater projects. The request is to transfer \$1,175,000 to Drew Park Phase 1 (L828) and \$4,325,000 to Drew Park Phase 2 (N020) for construction of the projects. This transfer of funds will meet the District funding obligation through fiscal year (FY) 2010 for these projects. The City anticipates submitting a cooperative funding request to the District for \$2,200,000 in FY2011 to complete construction for both projects.

The District, on behalf of the Hillsborough River and former Northwest Hillsborough Basin Boards, approved Cooperative Funding projects with the City in FY2008 for the Drew Park Implementation of Best Management Practices (BMPs) – Phase 1 and FY2009 for Phase 2 to alleviate flooding and improve water quality and level of service in the Drew Park Area. Drew Park Phase 1 (L828) involves design and construction of a stormwater treatment system and Drew Park Phase 2 (N020) involves design and construction of the conveyance improvements.

The total cost for Drew Park Phase 1 (L828) is estimated at \$7,250,000, of which \$1,800,000 is covered by a Florida Department of Environmental Protection grant. The City and District are funding the balance of \$5,450,000, of which the District's share is 50 percent or \$2,725,000. The District previously budgeted \$1,550,000 with \$465,000 from the Hillsborough River Basin (30 percent) and \$1,085,000 from the Northwest Hillsborough Basin (70 percent). Staff is recommending the Basin Board transfer \$1,175,000 to meet the District's funding obligation for this project with \$352,500 (30 percent) coming from the Hillsborough River Basin Stormwater Reserves and \$822,500 (70 percent) coming from the Northwest Hillsborough Stormwater Reserves. These amounts are based on the same percentage contribution that the Basins contributed in previous years for this project. The City's matching contribution of \$2,725,000 is from its Capital Improvement Program (CIP).

The total cost for Drew Park Phase 2 (N020) is estimated at \$16,650,000. The District's share for this project is 50 percent or \$8,325,000, of which the District has previously budgeted \$1,800,000 with \$540,000 from the Hillsborough River Basin (30 percent) and \$1,260,000 from the Northwest Hillsborough Basin (70 percent). Staff is recommending the Basin Board transfer \$4,325,000 to meet the District's FY2010 funding obligation for this project with \$1,297,500 (30 percent) coming from the Hillsborough River Basin Stormwater Reserves and \$3,027,500 (70 percent) coming from the Stormwater Reserves established by the former Northwest Hillsborough Basin. These amounts are based on the same percentage contribution that the Basins contributed in previous years for this project. This transfer would result in \$6,125,000 (\$1,800,000 + \$4,325,000) allocated by the District for this project, leaving another \$2,200,000 needed to meet the District's funding obligation, which can be budgeted in FY2011. The City's matching contributions are from its CIP. Staff recommendations were as follows:

1. Authorize the transfer of \$352,500 from the Hillsborough River Basin Board's Stormwater Reserve (Z969) and encumber the funds to Drew Park Implementation of BMPs – Phase 1 Project (L828) agreement;
2. Authorize the transfer of \$822,500 from the City of Tampa Stormwater Implementation Reserve (Z970) and encumber the funds to Drew Park Implementation of BMPs – Phase 1 Project (L828) agreement;
3. Authorize the transfer of \$1,297,500 from the Hillsborough River Basin Board's Stormwater Reserve (Z969) to be used for the Drew Park Implementation of BMPs – Phase 2 Project (N020);
4. Authorize the transfer of \$3,027,500 from the City of Tampa Stormwater Implementation Reserve (Z970) to be used for the Drew Park Implementation of BMPs – Phase 2 Project (N020).

Mr. Robinson asked, if the requirements have changed, from the District's point of view, since the project was funded. Mr. Brent Morris, Chief Engineer, City of Tampa, said no, that more stringent requirements came from the Department of Transportation (DOT), not the District.

Following consideration, **Mr. Robinson moved, seconded by Ms. Welsh, to approve staff's recommendations as listed above. Motion unanimously carried.** (CD 1/ Track 2)

g. Fiscal Year 2010 Budget Discussion and Approval of Proposed Millage Rate

Mr. Bruce Wirth, Deputy Executive Director, Division of Resource Management, said the Board will be asked to adopt a proposed millage rate for fiscal year (FY) 2010. In April, the first preliminary budget for the newly merged Hillsborough River Basin Board was provided to the Board for consideration. The Hillsborough River and Northwest Hillsborough River Basins were combined effective January 1, 2009. However, the budgets are being maintained separately for the remainder of fiscal year (FY) 2009.

As part of the merger of the two Basins, the Governing Board recommended that the lower of the two FY2009 millage rates be levied for FY2010 – this would be the Northwest Hillsborough Basin's millage rate of 0.2421 mill. Therefore, the preliminary budget for FY2010 has been prepared based on a millage rate of 0.2421 mill. The budget has also been prepared based on ad valorem revenue estimated at 12 percent below FY2009.

Staff is recommending the Basin Board approve the millage rate of 0.2421 mill for FY2010. Based on the information currently available regarding taxable property values, this rate is anticipated to be lower than the FY2010 maximum millage rate and the rolled-back rate. After the proposed millage rate is adopted by the Basin Board and the Governing Board, the millage rate can be lowered by the Basin Board in August, but cannot be increased without significant costs.

A draft resolution was provided affirming the proposed millage rate for FY2010 to be approved by the Basin Board at this meeting.

Ms. Kavouras read the three part staff recommendation as follows:

1. Provide tentative selection of FY2010 Cooperative Funding projects.
2. Approve and adopt a required proposed millage rate of 0.2421 mill for FY2010.

3. Approve Resolution No. 146 – Resolution Affirming the Required Proposed Millage Rate for Fiscal Year 2010.

Following consideration, **Ms. Benton-Gilmore moved, seconded by Mr. Robinson, to approve the three-part recommendations that were presented by staff. Motion carried unanimously.** (CD 1/Track 2)

h. **Strategic Plan Update 2011 - 2015**

This item was postponed to the August meeting.

7. **Reports:**

a. **Joint Basin Board Education Committee/Basin Board Land Resources Committee Meeting Report**

Ms. Devon Higginbotham and Mr. George Burt provided an overview of the joint Basin Board Education Committee and Basin Board Land Resources Committee meeting held on March 16, 2009, at the Polk's Nature Discovery Center at Circle B Bar Reserve in Lakeland. Ms. Higginbotham said the meeting was very informative and focused on the "Get Outside!" campaign, which is being planned by Land resources and Communications departments to begin September 26, 2009.

This item was presented for the Board's information; no action was required. (CD 1/Track 3)

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

Ms. Cori Cuttler, Community and Legislative Affairs Program Manager, said the Technical Advisory Committee had a visit from Mr. Warren Hogg, Tampa Bay Water (TBW), who gave an update on TBW perspective on the current water shortage. Also, the Committee took part in a tour of the Hillsborough River accompanied by Ms. Alison Fernandez, City Councilwoman of Temple Terrace and Tampa City Councilwoman Linda Saul-Sena.

This item was presented for the Board's information; no action was required. (CD 1/Track 3)

c. **Governing Board Activities**

Co-Chair Maritza Rovira-Forino said at the May Governing Board meeting new officers were elected as follows: Chair, Todd Pressman; Vice Chair, Ronald E. Oakley; Secretary, Hugh M. Gramling; and Treasurer; Sallie Parks. Highlights from the May 20 Governing Board meeting were given to Basin Board members.

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

8. **Announcements:**

Ms. Kavouras noted the Basin Board Education Committee will meet Tuesday, July 7, 2009, 9:30 a.m., at the Tampa Service Office. Ms. Renee Benton-Gilmore is the primary representative on that Committee and the alternate is Ms. Devon Higginbotham.

Ms. Kavouras announced that the July 9 Basin Board meeting will be cancelled because action has already been taken on the millage. The next meeting will be August 6, 2009, 1:30 p.m., at the Tampa Service Office

The Basin Board Land Resources Committee will meet Monday, July 13, 2009, 9:30 a.m., at the Green Swamp West Field Office in Dade City. Ms. Devon Higginbotham is the primary representative and the alternate is Mr. Joe Robinson.

Mr. Robinson asked regarding the timeline for the actual rulemaking of the Northwest and Hillsborough Basin Boards. Ms. Kavouras said that the rulemaking that has to occur is changing the boundary descriptions within the rules. When rules refer to the Basin Board, it will no longer refer to Northwest Basin Board and Hillsborough, but refer to Hillsborough River Basin Board. (Subsequent to the June meeting, Ms. Kavouras provided Mr. Robinson a copy of the rule.) (CD 1/ Track 3)

9. **Adjournment:**

There being no further business to come before the Board, Co-Chair Gramling adjourned the meeting at 3:30 p.m. (CD 1/Track 3)

****Information Items****

The item(s) listed below were 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. These items did not require Board action at this time.

1. Budget Transfer Report
2. Hillsborough County Lake and Stream Monitoring Program (K057) - Execution Notice
3. Tampa Bay Estuary Program Non-Federal Funding for Federal Fiscal Year 2009 Annual Work Plan (W027) - Execution Notice
4. Cotanchobee Shoreline Restoration (W377) – Execution Notice
5. Rivergarden Shoreline Restoration (W381) – Execution Notice
6. River Tower Shoreline Restoration (W387) – Execution Notice
7. Lake Thonotosassa Refinement of Nutrient Budget and Specific Water Quality Targets (W764) - Execution Notice – Consultant Agreement