

APPROVED

MINUTES OF THE MEETING

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

Tampa, Florida

June 10, 2010

The Hillsborough River Basin Board of the Southwest Florida Water Management District convened for a regular meeting at 1:35 p.m. on June 10, 2010, at the Tampa Service Office.

Board Members Present

Maritza Rovira-Forino, Co-Chair
Hugh Gramling, Co-Chair
Renee Gilmore, Vice Chair
Susan Welsh, Secretary
Devon Higginbotham, Member

Staff Members Present

Lou Kavouras	Cori Cuttler
Bruce Wirth	Randy Emberg
Mark Hammond	Sid Flannery
Linda Pilcher	Danny Kushmer
Anthony Andrade	Jennette Seachrist
Maya Burke	

Board Members Absent

George Burt, Member
John Nicolette, Member

Via Videoconference

Beth Putnam

Recording Secretary

Dianna Brass

A list of others who attended and signed the attendance roster is filed in the permanent files of the Basin. Compact disks 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 Maritza Rovira-Forino called the meeting to order at 1:35 p.m. Ms. Dianna Brass, Administrative Supervisor, called the roll and noted a quorum was present.

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

Co-Chair Rovira-Forino led the Pledge of Allegiance to the American Flag.

3. **Additions and Deletions to the Agenda**

Ms. Lou Kavouras, Deputy Executive Director, Outreach, Planning, Board Services and Ombudsman, noted there were no additions or deletions to the agenda. (CD 1/Track 1)

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

Ms. Maya Burke, Staff Planner, Planning Department, reported that the Hillsborough County Environmental Protection Commission (EPC) met this morning to hear public comments on the proposed Fertilizer Use and Landscape Management rule. The rule is in response to 2009 state legislation mandating local governments with impaired waterways regulate use of fertilizers. The Commission deferred a vote on the rule until its July meeting.

She advised that the City of Zephyrhills will hold a public meeting next week to consider its downtown master redevelopment plan including its stormwater flooding plan. Interested parties who would like more information should contact her or the City.

Regarding the Deepwater Horizon oil spill in the Gulf of Mexico, Ms. Burke said the District is cooperating with the state and Federal governments to address potential impacts. District

efforts include identification of environmentally sensitive areas for the Area Contingency Plan. Specifically in this Basin, staff recommended inclusion of all SWIM restoration projects, in particular, the MacDill restoration area. Recommendations for booms in a number of restoration project areas, specifying availability of equipment, coordination of Geographic Information System data/information, and pre-event water quality sampling were also provided. Staff participates in State Emergency Response Team conference calls and review of Department of Environmental Protection (DEP) Situation Reports and online data. Ms. Burke confirmed that DEP is the lead state agency and the District will play a supportive role. For those who are interested, a panel discussion on the Gulf oil spill will be hosted by the Tampa Bay Regional Planning Council at its offices in Pinellas Park on June 14. Participants include representatives from the National Oceanic and Atmospheric Administration, the U.S. Coast Guard, Environmental Protection Agency Gulf of Mexico Program Southeastern Regional Office and the Sierra Club.

Ms. Burke concluded her briefing by noting postcards placed at Board members' seats regarding the 2011 Community Education Grant program with applications due by August 20 and the *Splash!* School Grant program with an application deadline of September 10. (CD 1/Track 2)

5. **Consent Items:**

a. **Minutes of the April 8, 2010, Basin Board Meeting**

Approve the April minutes as presented.

Following consideration, **Ms. Gilmore moved, seconded by Ms. Higginbotham, to approve Consent Item 5.a., as presented. Motion carried unanimously.**

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

Co-Chair Rovira-Forino referenced an increase in the amount the Board will contribute to this project and requested a presentation. Ms. Jennette Seachrist, Surface Water Improvement and Management (SWIM) Program Manager, gave an overview of this SWIM project that is funded by FDOT, the City of Tampa and the District. She said FDOT is making additional funds in its FY2010 budget available for the project construction. Following questions from the Board, Mr. Wirth clarified that the estimated project cost has not changed; construction dollars are proposed in the Basin's Fiscal Year (FY) 2011 budget, and the additional \$150,000 from FDOT will be encumbered and available for the project on October 1, the beginning of the District's FY2011. He said, in order to secure the funds, the FDOT must enter into an agreement by June 30, 2010, which is the end of its fiscal year. Staff recommended the Board:

- (1) **Approve the agreement with the FDOT for the Robles Park Water Quality Improvement Project; and**
- (2) **Authorize the Executive Director to sign the agreement.**

Following consideration, **Ms. Higginbotham moved, seconded by Ms. Welsh, to approve the staff recommendation for Consent Item 5.b., as presented. Motion carried unanimously.** (CD 1/Tracks 3-4)

6. **Discussion Items:**

a. **Lower Hillsborough River Minimum Flows Recovery Plan - Approval of Cooperative Funding Agreement and Amendment with the City of Tampa (H400)**

Mr. Sid Flannery, Senior Environmental Scientist, Resource Projects Department, described two cooperative funding agreements with the City of Tampa for recovery of the lower Hillsborough River minimum flows, with the District funding up to 50 percent of each agreement. The Governing Board took action on these agreements at its May 25 2010 meeting. With the aid of graphics, Mr. Flannery provided an overview of the projects: Blue Sink Project – Agreement total \$10,785,500 with District share at \$5,347,000; and Sulphur Springs Upper Weir & Gates and Sulphur Springs Pumping Station Project – Increase agreement total from \$2,500,000 to \$5,276,759 with District share increasing from \$1,240,000 to \$2,627,729.

Co-Chair Rovira-Forino commented that she understood the merits of the Sulphur Springs project but expressed concern with the increase in price. Mr. Flannery explained that in 2007 when the project was initiated, it was known that refinements would be necessary, and the City provided its best estimate of costs at that time. He said engineering alternative design analysis determined that the dual pump system will maximize the amount of spring flow that could be used to meet minimum flows for both the spring run and lower Hillsborough River. The increased cost is attributed to the improved design. He outlined the staff recommendation:

- (1) **Approve a cooperative funding agreement with the City of Tampa for the Blue Sink Project for a total of \$10,785,500 with the Governing Board's and the Basin Board's share not to exceed \$2,673,500 each and authorize the Executive Director to sign the agreement.**
- (2) **Approve an amendment to a cooperative funding agreement with the City of Tampa for the Sulphur Springs Upper Weir & Gates and Sulphur Springs Pumping Station Project for a total agreement cost of \$5,276,579 with the Governing Board's and the Basin Board's share not to exceed \$1,313,864.50 each and authorize the Executive Director to sign the agreement.**

Following consideration, **Ms. Higginbotham moved, seconded by Ms. Gilmore, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 5)

b. **Tampa Reclaimed Water-Tampa International Airport Project - Third Amendment (K655)**

Mr. Anthony Andrade, Senior Water Conservation Analyst, Resource Projects Department, said staff is requesting the Hillsborough River Basin Board approve a Third Amendment to the cooperative funding agreement with the City of Tampa for the Tampa Reclaimed Water-Tampa International Airport Project (TIA Project), formerly known as the South Tampa Area Reclaimed Project Phase II (STAR II). The Third Amendment revises the scope of work to substantially reduce the scale of the project and reduce the project's total budget of \$22,000,000 to \$1,300,000. The Basin's contribution is also proportionately reduced to \$650,000. With the aid of graphics, he reviewed the history of the project and discussed the amendment which also modifies the project commence construction date from March 1, 2008 to March 1, 2009. The June 30, 2010 project completion date and December 31, 2010 termination date remain unchanged. Mr. Andrade advised that \$9,886,600 in Basin funding will be returned to the Basin Board, and \$1,086,800 in Water Protection and Sustainability Trust Funds (WPSTF) will be reallocated to other projects.

Ms. Higginbotham questioned the City's plan for use of reclaimed water rather than discharging it into the Bay. Mr. Andrade said the City has not abandoned its Reclaimed Water Master Plan, and it is anticipated that the City will request funding from the District for other elements of the Plan at some point in the future when it is financially able. At this time, the TIA project represents the most timely and cost effective project. There was further discussion from the Board relative to the value of reclaimed water, alternative uses and the timeline for implementing projects.

Ms. Sandra Anderson, Reclaimed Water Manager, City of Tampa, addressed the Board. She thanked the Board for its support to the City for reclaimed water projects and others throughout the years. She said the City currently does not have the bonding power to undertake all the projects in its Master Plan; those projects had to be re-prioritized with potable water projects ranking higher in scale. She said the City is committed to maximizing reclaimed water projects, and she discussed the merits of the TIA project.

Following consideration, **Ms. Higginbotham moved, seconded by Ms. Welsh, to approve the staff recommendation to approve the Third Amendment to the Agreement with the City of Tampa for the TIA Project to modify the scope of work and reduce the total cost of \$22,000,000 to \$1,300,000, with the Hillsborough River Basin's share not to exceed \$650,000; and authorize the Executive Director to sign the amendment. Motion carried unanimously.** (CD1/Track 6)

c. **Hillsborough County and City of Tampa Duck Pond Best Management Practices (BMPs) Implementation Project - Budget Transfer from Stormwater Implementation Reserves and Amendment of the Cooperative Funding Agreement (L423)**

Mr. Mark Hammond, Resource Projects Director, provided a presentation of this multi-year cooperatively funded project with Hillsborough County and the City of Tampa for implementation of Best Management Practices (BMPs) within the Duck Pond Watershed. The project includes design, permitting, land acquisition and construction for a stormwater pumping system, enhanced storage and conveyance of runoff, and addresses Level of Service deficiencies for a 25-year, 24-hour design storm to protect Fowler Avenue from flooding. The request for increased funding, initiated by the County and City, stems from an updated construction cost estimate which indicates the need for a project budget increase from \$14,000,000 to \$18,000,000; and a proposal to increase the District's funding match from 34 percent to 49 percent of the reimbursable project budget. Board approved District funding totals \$3,600,000 budgeted over fiscal years 2006-2008. Staff recommended a \$3,500,000 budget transfer from the Basin's Stormwater Implementation reserves, which increases the District's funding share to \$7,100,000, slightly less than the combined County/City share of \$7,400,000. The remainder of the project budget is supplied by a \$3,500,000 grant from the Florida Department of Environmental Protection. Use of the Stormwater Implementation reserves avoids postponement of the projected February 2, 2011 construction start date.

Following consideration, **Ms. Welsh moved, seconded by Ms. Higginbotham, to approve the staff recommendation:**

- (1) **Approve the transfer of \$3,500,000 from Stormwater Implementation reserves to the Hillsborough County and the City of Tampa Duck Pond BMP Implementation Project.**
- (2) **Authorize amendment of the Hillsborough County and the City of Tampa Duck Pond BMP Implementation Project cooperative funding agreement to increase**

the total project budget to \$18,000,000 with the Basin Board's share not to exceed \$7,100,000, and authorize the Executive Director to sign the amendment. Motion carried unanimously. (CD 1/Track 7)

d. Fiscal Year 2011 Budget Discussion and Approval of Proposed Millage Rate

Mr. Bruce Wirth, Deputy Executive Director, Resource Management, presented an update to the preliminary budget provided at the Board's April meeting. Board members' input from that meeting has been incorporated into a proposed budget, which assumes the millage rate remaining at 0.2421 mill, consistent with FY2010, and ad valorem revenue at 11 percent below FY2010. Today, the Board will take action to approve a proposed millage rate and budget and tentative selection of its Cooperative Funding projects. After the proposed millage rate is adopted, the Basin Board can lower the rate, but not raise it without significant costs. Following an in-depth discussion of the budget, Mr. Wirth said staff would like Board members' view on potentially reducing the millage for FY2011. In August, the Basin Board will be required to adopt a final FY2011 millage rate and budget for recommendation to the Governing Board, including the final selection of FY2011 Cooperative Funding projects

Mr. Wirth reviewed the Board's reserve funds which include significant dollars (\$27 million) returned to the Basin by cooperators severely affected by the economic downturn, Water Supply and Resource Development Reserves, Stormwater Implementation Reserves, and the separate Stormwater Implementation Reserves specified for Tampa projects by the Northwest Hillsborough Basin Board. These accounts total approximately \$44.2 million. Ms. Higginbotham asked for a summary of the budget reserve accounts and suggested they be clearly shown in one location in the budget. Mr. Wirth said following today's actions, the above reserves will be consolidated into one existing reserve account, H100. The Board's earlier action has already eliminated the two Stormwater Implementation Reserves.

Based on direction received at the April meeting, staff identified and is recommending new or accelerated funding for Surface Water Improvement and Management (SWIM) and other projects, with a reduction to the proposed FY2011 Water Supply and Resource Development reserves. Mr. Wirth said four new projects are proposed for Old Tampa Bay Improvement for assessments that will lead to management actions. In addition, a new reserve fund, W205 – Old Tampa Bay Implementation Reserves, has been proposed to provide funds for the implementation of projects that improve Old Tampa Bay water quality. The Old Tampa Bay improvement and implementation projects will be a 50/50 cost share with the Pinellas-Anclote River Basin Board.

The Board will still have \$25 million in reserves if it accepts the changes presented today. No changes were presented for Cooperative Funding projects, and staff recommends funding those through medium ranking. Mr. Wirth said staff is supportive of a slight millage reduction should the Board wish to consider that. Co-Chair Gramling reviewed significant projects that have been accomplished in the past few years, and suggested that now is the time to consider a reduction in the millage rate, perhaps to 0.23 (approximately \$700,000 reduction). Ms. Gilmore commented that she favored a reduction in the millage considering the local governments' economic difficulties and the high level of unemployment. Responding to Ms. Higginbotham, Mr. Wirth gave an overview of the other Basin Board's millage rates and funding abilities. He affirmed the suggested 0.23 millage was an appropriate number for this Basin and one that staff was comfortable with.

Following discussion, **Ms. Gilmore moved, seconded by Ms. Welsh, to establish the proposed millage rate at 0.23 for FY2011, a decrease from the FY2010 rate of 0.2421.** The Board engaged in discussion regarding the merits of reducing the millage today or waiting until its August meeting. Ms. Higginbotham indicated that she was in favor of a reduced rate but she would like to consider all options and delay action on the reduction until August. **The question was called, and the motion carried with Ms. Gilmore and Ms. Welsh voting in favor and Ms. Higginbotham opposed.**

The Board requested a detailed analysis in August of how the millage reduction will affect the Basin budget. Ms. Gilmore applauded staff on its efforts in developing the budget and acknowledged the excellent presentation provided by Mr. Wirth.

Ms. Kavouras read the additional staff recommendations required for Board action: **Provide tentative selection of FY2011 Cooperative Funding projects; and approve Resolution No. 148 – Resolution Affirming the Required Proposed Millage Rate for Fiscal Year 2011.** Following consideration, **Ms. Higginbotham moved, seconded by Ms. Welsh, to approve the staff recommendations outlined above. Motion carried unanimously.** (CD1/Track 8)

7. **Reports:**

a. **Hillsborough River Interlocal Planning Board Technical Advisory Committee**

Ms. Cori Cuttler, Community and Legislative Affairs Program Manager, reported that the Committee heard a status update from Tampa Bay Water at its May 18 meeting. Next month, Planning Director Roy Mazur will present an update on the District's Regional Water Supply Plan. (CD 1/Track 9)

b. **Governing Board Activities**

Ms. Kavouras advised that, at the May Governing Board meeting, new officers were elected: Ron Oakley, chair; Hugh Gramling, vice chair; Doug Tharp, treasurer; and Paul Senft, secretary. Significant presentations included an update on the 2010 Freeze Event, emergency preparedness for hurricane season, the Myakka Watershed Initiative project, and the long-range plan. Co-Chair Gramling requested staff provide an update to the Basin Board in August summarizing the Plant City/Dover frost-freeze efforts. He said the last meeting of the 2010 Freeze Event task force was held yesterday. He briefly reviewed the proposed actions: request additional funds for the FARMS program to enhance the ability of the ag community not to use groundwater sources, a cap on frost freeze quantities in the Dover area, a 20-percent rollback, a more equitable method for distributing well complaint mitigation, etc. A presentation will be made at the June Governing Board, and staff will seek direction and initiate rulemaking where appropriate. Input will be solicited from the Basin Boards, advisory committees and during three specific meetings in August. A public meeting is anticipated to be held in Plant City in the September timeframe.

This item was presented for the Board's information; no action was required. (CD 1/Track 10)

8. **Announcements:**

Ms. Kavouras called attention to the announcements on the agenda. Both the Basin Board Education and the Basin Board Land Resources Committees will meet on July 14. The next Basin Board meeting will be held Thursday, August 5, 2010, at 1:30 p.m., in the Tampa Service Office. (CD 1/Track 10)

9. **Adjournment:**

There being no objection and no further business to come before the Board, Co-Chair Gramling adjourned the meeting at 3:48 p.m. (CD 1/Track 10)

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352) 796-7211, ext. 4702 or 1-800-423-1476 (FL only), ext. 4702; TDD (FL only) 1-800-631-6103; or email to ADACoordinator@swfwmd.state.fl.us