

APPROVED

MINUTES OF THE MEETING

HILLSBOROUGH RIVER BASIN BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Tampa, Florida

August 26, 2009

The Hillsborough River Basin Board of the Southwest Florida Water Management District convened for a regular meeting at 1:35 p.m. on August 26, 2009, at the Tampa Service Office.

Board Members Present

Maritza Rovira-Forino, Co-Chair
Renee Gilmore, Vice Chair
Joe Robinson, Member
George Burt, Member
John Nicolette, Member
Devon Higginbotham, Member

Staff Members

Lou Kavouras
Bruce Wirth
Eric DeHaven
Mark Hammond
Mike Holtkamp
Roy Mazur

Anthony Andrade
Maya Burke
Jeremy McKay
Miki Renner
Jennette Seachrist

Board Members Absent

Hugh Gramling, Co-Chair
Susan Welsh, Secretary
Mercy DiMaio, Member

Video Conference

Linda Pilcher

Recording Secretary

M. Frances Sesler

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 Maritza Rovira-Forino called the meeting to order at 1:35 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 Rovira-Forino 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 there were no additions or deletions to the agenda.

4. **Oath of Office for Appointed/Re-Appointed Board Members**

Ms. Kavouras administered the Oath of Office to Ms. Gilmore who was re-appointed to the Board for a term beginning August 19, 2009, and ending March 1, 2012; Mr. Burt, August 19, 2009, through March 1, 2011; and Mr. Nicolette August 19, 2009, through March 1, 2011. (CD 1/Track 1)

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

Ms. Maya Burke, Basin Planner, provided the Board a brief overview of the items on the agenda, those provided as information, and other upcoming topics of interest. Ms. Burke explained how the items relate to the Basin Board's Strategic Budget Priorities and the District Strategic Plan. Ms. Burke provided copies of the draft Strategic Initiatives to the Board members and asked that any feedback be given to her or Ms. Kavouras by September 9. Comments may also be emailed to planning@watermatters.org. (CD 1/Track 2)

Ms. Burke stated that the Board is being asked to reaffirm its fiscal year (FY) 2010 Strategic Budget Priorities for FY2011. On February 3, 2009, the newly merged Hillsborough River Basin Board held its first meeting with members from both the former Hillsborough River and Northwest Hillsborough Basin Boards. At this meeting, the newly merged Board agreed on a shared set of Strategic Budget Priorities:

- Conservation Research and Education
- Reclaimed Water
- Monitoring and Recovery of Established Minimum Flows and Levels
- Flood Protection/Urban Stormwater Retrofits

These priorities have provided guidance to District staff and the Basin Board's cooperators in identifying and scoping projects for potential Basin Board funding and have served the Board well during the current fiscal year. Staff believes the Basin Board's issues and concerns have not changed substantially from the previous year and requested reaffirmation of those priorities.

Following consideration, **Mr. Robinson moved, seconded by Ms. Gilmore, to approve the staff recommendation to reaffirm the Basin Board's Strategic Budget Priorities for FY2010-2011.** (CD 1/Track 2)

6. **Consent Items:**

a. **Minutes of the June 4, 2009, Meeting**

Approve the June minutes as presented. (CD 1/Track 3)

b. **Board Encumbrances:**

i. **Facilitating Agricultural Resource Management Systems (FARMS) Program (H017)**

Approve the encumbrance of up to \$50,000, or the remaining funds available, from the FY2009 budget to be used for future years FARMS projects.

ii. **Rocky Creek Lake Enhancement Project (B027)**

Approve the encumbrance of \$1,000,000, without a contract, to be used in FY2011 for Phase III (construction) of the Rocky Creek Lake Enhancement Project.

iii. **Lower Hillsborough River Recovery Strategy Implementation Project (H400)**

Approve the encumbrance of \$2,610,000 (of which \$1,305,000 is from the General Fund; \$978,750 is from the Hillsborough River Basin Board; and \$326,250 is from the former Northwest Hillsborough Basin Board), without a contract, to be used in FY2010 for implementation of the Lower Hillsborough River Recovery Strategy Project for Minimum Flows.

iv. **Encumbrance for the Conversion of T-1 Communication Lines to a Radio Network (B670)**

Approve the encumbrance of \$150,000 from FY2009 funds, without a contract, to be used for the conversion from T-1 Lines to a proprietary Radio Network.

c. **Stewart Middle School Shoreline Restoration**

Mr. Robinson asked that Consent Item 6c. Stewart Middle School be pulled for discussion.

d. **Appraisals and Agreement – Brooker Creek Headwaters, SWF Parcel No. 14-074-156C**

Recommend the Governing Board:

- (1) Accept appraisals;
- (2) Approve Agreement and Conservation Easement; and

(3) Designate SWF Parcel No. 14-074-156C as having been acquired for conservation purposes.

e. **Annual Calendar of Meeting Dates – Fiscal Year 2010**

Approve the FY2010 Basin Board meeting schedule.

Ms. Higginbotham asked if approving the Rocky Creek Lake Enhancement Project will raise the level of the lakes for Horse Lake, Lake Rally, and Lake Rogers. Mr. Wirth said no, water would only be transferred when the lakes are capable of taking it.

Co-Chair Rovira-Forino, asked for a motion to approve Consent Items 6a, 6b, 6d, and 6e. Following consideration, **Mr. Robinson moved, seconded by Ms. Higginbotham, to approve Consent Items 6a, 6b, 6d, and 6e, as presented. Motion carried unanimously.** (CD 1/Track 3)

7. **Discussion Items:**

6c. **Stewart Middle School Shoreline Restoration**

Mr. Robinson said that storm water improvements have been made near Blake High School along the Hillsborough River and North Boulevard, but collector traps were not installed along the river to help collect debris. He asked whether the traps can still be installed. Ms. Jennette Seachrist, Manager, SWIM Program, replied that staff has spoken with the City of Tampa in regard to putting in the traps and the City was not interested at the time. Mr. Robinson asked if the City of Tampa still feels that way. Mr. Chuck Walters, City of Tampa, said the property in question is owned by the School Board and is not the property of the City of Tampa. Mr. Walters said the selected storm water treatment system is an open air basin and has lower long-term maintenance costs for the School Board.

Mr. Robinson said the Technical Advisory Committee (TAC) would like to see the Cruise-a-Cade made more available for public access. Mr. Walters said the case is under litigation, but he would provide information that is in public records.

After discussion, **Mr. Robinson moved, seconded by Ms. Gilmore, to approve Consent Item 6c, authorizing a budget transfer of \$25,000 from Tampa Bay Habitat Restoration (W312) project and \$50,000 from the Tampa Bay SWIM Plan Implementation (W020) project to the Stewart Middle School Shoreline Restoration Project (W399) to support the expanded construction and restoration area. Motion carried unanimously.** (CD 1/Track 4)

a. **Strategic Plan Update Fiscal Year 2011-2015**

Mr. Roy Mazur, Planning Director, presented the 2011–2015 Strategic Plan Update concept to the Board. The update is to provide the overarching strategic direction from which all of the District strategies evolve: Superior Stewardship of Florida's Precious Water Resources. The goals of the fiscal year (FY) 2011 update are to:

- Further integrate the Strategic Plan into all aspects of District operations.
- Implement the reporting of the Primary Success Indicators.
- Reconfigure the Strategic Plan to meet the statutory requirements allowing the Strategic Plan to replace the District Water Management Plan.

To achieve these goals, the update process will again employ a three-tiered approach of staff involvement. A grouping of District technical subject matter experts (SME) will

review the current plan for technical accuracy and identify how their projects and programs are aligned with the Plan's success indicators. Secondly, a Strategic Team comprised of 15 Directors and Managers will meet to select the SME, discuss the input of the SME, finalize the implementation of the Primary Success Indicator "Scorecard," and delegate the compilation of the data required to replace the District Water Management Plan. Lastly, conclusive direction of the project will be overseen by a Steering Committee comprised of the Deputy Executive Directors, Deputy General Counsel, and the Inspector General.

By replacing the annual District Water Management Plan (DWMP) update with the Strategic Plan, staff will annually save in excess of 200 staff hours, and the anticipated staff time savings by replacing the five-year DWMP is in the thousands. One of the statutory requirements of replacing the DWMP is the compilation of an Annual Work Plan Report, which will detail the progress of District programmatic efforts intended to achieve the Strategic Plan's goals and measures, as well as heightening the connection between the Strategic Plan and the Budget process.

This item was presented for the Board's information; no action was required. (CD 1/Track 5)

b. **Tampa Reclaimed Water Expansion Project, formerly known as South Tampa Area Reclaimed Project Phase II - Third Amendment (K655)**

Mr. Anthony Andrade, Senior Water Conservation Analyst, Resource Projects Department, said this was an action item to request the Basin Board approve a Third Amendment to the Cooperative Funding Agreement with the City of Tampa for the Tampa Reclaimed Water Expansion Project (Expansion Project), formerly known as the South Tampa Area Reclaimed Project Phase II (STAR II). The Third Amendment revises the scope of work to include several areas within the Hillsborough River Basin boundaries, extend the project timeline, and add updated agreement language. The revised scope of work will result in significant increases in the reclaimed water utilization and potable water offsets for the Expansion Project. The Third Amendment is consistent with the project changes presented during periodic updates to the Northwest Hillsborough Basin Board since February 2006 and Tampa's long-term Reclaimed Water Master Plan. The Amendment does not increase the Basin's contribution to the Expansion Project or the Project's total budget of \$22,000,000. Ms. Sandra Anderson, Reclaimed Water Project Manager, City of Tampa, presented information on how this Expansion Project fits into Tampa's long term Reclaimed Water Master Plan. (CD 1/Track 6)

Mr. Andrade said in fiscal year (FY) 2002, the District entered into a Cooperative Funding Agreement with the City for a \$14,626,900 project known as STAR II, which would provide reclaimed water transmission and distribution mains to serve residential customers in South Tampa. The Agreement was amended twice to increase the project budget to \$22,000,000, extend the project timeline, and include Water Protection and Sustainability Trust Funds (WPSTF), with \$926,800 budgeted in FY2006 and \$160,000 in FY2007 for a total WPSTF allocation of \$1,086,800. All funds necessary to complete the existing STAR II project or the new Expansion Project (\$10,456,600) have already been budgeted by the former Northwest Hillsborough Basin Board and are encumbered in the existing Agreement.

The benefits of the new amended project would approve utilization from 2.0 mgd to 4.6 mgd, increase the estimated offset from 1.3 mgd to 3.2 mgd, improve the cost/benefit from \$4.08 to \$1.63/1000 gallons offset, and increase the offset efficiency

from 65 percent to 70 percent. Expansion Project customers are all within the Hillsborough River Basin and include Tampa International Airport, St. Pete Times Forum, Tampa Convention Center, Performing Arts Center, Bayshore Linear Park, University of Tampa, and Dana Shores Subdivision. Mr. Andrade said staff is requesting to extend the completion date to 2016 and extend the termination date to 2017, which would enable the City to complete the project as fast as they can, but in a manner that customers would be ready when the project is complete.

Mr. Robinson asked for the minority agreement report up to the date this amendment is adopted. Ms. Anderson said she would provide that information.

Following consideration, **Mr. Robinson moved, seconded by Mr. Nicolette, to recommend the Board approve the Third Amendment to the Agreement with the City of Tampa to modify the scope of work and extend the deadlines while maintaining a total cost of \$22,000,000, with the Hillsborough River Basin's share not to exceed its current commitment of \$11,000,000, and authorize the Executive Director to sign the amendment. Motion carried unanimously.** (CD 1/Track 6)

c. **Lake Armistead Dock Modifications – June 19, 2009 Letter From Mr. Paul A. Reece**

Mr. Wirth said there is a procedural step that must be taken if this item is to be revisited by the Board. Ms. Kavouras stated that, according to Roberts Rules of Order and Parliamentary Procedures, in order to rehear this issue, one of the Board members who was on the prevailing side of the vote needs to make a motion to rescind the action taken in June.

Following consideration, **Ms. Gilmore moved, seconded by Mr. Robinson, to rescind the action taken by the Basin Board in June regarding Lake Armistead. Motion carried unanimously.**

Mr. Mike Holtkamp, Director, Operations Department, gave a brief update of the information that was submitted to the Board in June. The structure was constructed in response to a previous request from residents living on Lake Armistead to raise water levels and was supported by the District's desire to restore the Lake's historic water level and conserve water in the central wellfield area of Tampa Bay Water. If the water level on the lake was raised to the District's desired higher operating range of 42.0 to 43.0 NGVD, docks with deck elevations of 43.0 NGVD, or below, would be subject to periodic inundation, thereby rendering them unusable and unsafe at times. Additionally, submerged docks would represent a boating hazard. The District does not have the authority to raise water levels without consideration and mitigation of impacts to existing facilities. At its February 2005 meeting, the Northwest Hillsborough Basin Board approved spending \$115,700 to raise seven docks and two boat houses to elevation 45.0 NGVD. All seven docks and the two boat houses were subsequently elevated. In late summer of 2008, the Operations Department was contacted by Mr. Paul Reece 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 elevation 43.0 NGVD. It is not known why these four docks were not identified and elevated in connection with the original dock modification project in 2005. A review of the project file did not yield documentation as to why the four docks that were not elevated were left out of the project. Prior to the Basin Board's June meeting, Mr. Reece and one other dock owner had requested their docks be elevated.

At the Basin Board's June 4, 2009, meeting, staff provided a brief overview of the history relating to the Lake Armistead Water Conservation structure and the 2005 dock modification project and explained the current situation and request from two of the remaining four dock owners with docks below elevation 43.0 NGVD, to have their docks elevated. The staff recommendation was to approve the transfer of \$25,000 from contingencies to elevate the two docks in question. After discussion, the Board voted to deny the staff recommendation. Subsequent to the June Board meeting, Mr. Reece sent a certified letter to all Basin Board members, dated June 19, 2009, expressing his concerns over the Board's action to deny staff's recommendation and requested the District's oversight not to elevate his dock in 2005 be corrected immediately. A copy of Mr. Reece's letter was given to Board members.

Since the June Basin Board meeting, staff met with the two remaining dock owners who indicated they would also like their docks elevated if the Basin Board's June action is reconsidered.

The estimated cost for the modification and/or in-kind replacement of the four remaining docks is \$58,000. Funds are available in the Basin Board's contingency fund to construct the dock modifications should the Basin Board elect to reconsider its June action. If the docks in question are not elevated, the District will not be able to fully realize the water conservation, recreational, aesthetic, and environmental benefits of maintaining higher average water levels. It was these benefits that were the basis for the former Northwest Hillsborough Basin Board electing to construct the Lake Armistead Water Conservation structure.

Ms. Higginbotham stated concern that the docks and septic tanks might be close to the 43.0 elevation. Mr. Holtkamp said staff received no complaints of septic tank problems on Lake Armistead. Mr. Burt said his voting against the motion was that of the precedence that could be set regarding all of the structures on the lake, boat house, septic tank situation, etc. If this motion is passed, the Board could be liable for septic tanks also. Mr. Wirth said Mr. Burt's point is very well taken; a good job must be done upfront to see what the impact will be. Ms. Higginbotham asked what the District's action would be if the Board voted not to fund the docks would the lake be maintained at a lower level? Mr. Holtkamp said the lake would be maintained at a level so the docks in question would not be impacted.

Co-Chair Rovira-Forino acknowledged Mr. Paul Reece, a resident of Lake Armistead; the letter that was sent to the Board on June 19, 2009; and a copy of the response from Mr. Mike Bartlett. Mr. Reece said he has been a resident on Lake Armistead since 1980. Even during high water times, they have not had problems with the septic; that is not a concern at this time. Mr. Reece said he has no problem with the way things are working at this point. His concern is his dock could be an underwater hazard to others.

Mr. Chet Rowland said he moved to Lake Armistead in 1999; he invested in a dock on the Lake and, like Mr. Reece, his dock is under water. Mr. Robinson asked if staff's recommendation is approved at 45 feet, will this help to alleviate this issue. Mr. Wirth said under normal rainfall conditions, a 45-foot, elevated dock should be well above what you would see on the lake. But, he noted, there will be times when even 45 feet will not be high enough.

Ms. Higginbotham asked if there a release signed by homeowners making them aware of potential high flood levels that their docks could submerge, even though the docks

have been raised to the 45-foot level. Mr. Wirth said homeowners have not been asked to sign such a release, but it could be made clear that this would occur.

Mr. Robinson moved, seconded by Ms. Higginbotham, to approve staff recommendation for the Lake Armistead dock modification. Ms. Gilmore asked for an amendment to include a release removing the District from any liability issues. **Motion carried unanimously.**

Mr. Reece said he is not willing to sign a waiver. Ms. Higginbotham said she understood Ms. Gilmore's motion to refer only to the docks, not to any future problems, lot sizes, or septic tanks. Ms. Gilmore said that was not her amendment. Ms. Kavouras said the issues could be separated into two motions, one to accept staff recommendation to raise or modify the docks and another motion to address the liability issue.

Mr. Robinson moved, seconded by Mr. Nicolette to reconsider the motion previously made so the items could be voted on separately.

Following consideration, **Mr. Robinson moved, seconded by Ms. Higginbotham, to reconsider the motion. Motion carried with Mr. Robinson, Ms. Higginbotham, and Mr. Nicolette voting for; Ms. Gilmore and Mr. Burt opposed. Motion carried.**

Mr. Robinson moved, seconded by Ms. Higginbotham, to approve staff's recommendation as submitted in its June action and approve the transfer of \$58,000 from contingencies, and authorize staff to move forward with the modification and/or in-kind replacement of the four docks. Motion carried with Mr. Robinson, Ms. Higginbotham, and Mr. Nicolette voting for staff recommendation; Mr. Burt and Ms. Gilmore voting against. Motion carried.

Ms. Higginbotham moved, seconded by Mr. Nicolette, that the remaining four docks be modified, and also to remove District liability for any future dock modifications. Motion carried with Ms. Higginbotham, Mr. Nicolette, and Ms. Gilmore voting for; Mr. Robinson and Mr. Burt opposed. Motion carried.
(CD 1/Track 7)

d. **FY2010 Budget Discussion and Approval of Final Millage Rate and Budget**

Mr. Bruce Wirth, Deputy Executive Director, Resource Management, gave an overview of the proposed budget for FY2010. The Basin's proposed budget for FY2010 had been updated to reflect ad valorem revenue based on the proposed millage rate adopted by the Basin Board on June 11, 2009, and the 2009 Certification of Taxable Value received from the county property appraisers.

In April, the first preliminary budget for the newly merged Hillsborough River Basin was presented to the Basin Board for discussion and initial direction regarding the funding levels of the various budget categories, including prioritization of Cooperative Funding and other Basin projects. The direction received from the Basin Board at the meeting was incorporated into the budget, and a revised budget was presented to the Basin Board in June.

In June, the Basin Board adopted a proposed millage rate of 0.2421 mill for FY2010, equal to the millage rate levied by the Northwest Hillsborough Basin Board for FY2009. As part of the merger of the two Basins, the Governing Board recommended the lower of the two Basin millage rates for FY2009 be levied for FY2010. The FY2009 millage rate for the Hillsborough River Basin was 0.2547 and for the Northwest Hillsborough Basin,

0.2421 mill. The Hillsborough River Basin Board and the Northwest Hillsborough Basin Board have not increased their millage rates for the past 15 years. Both Basin Boards lowered their millage rates for FY2008.

The budget information provided included: two Budget Progress Reports for the nine months ended June 30, 2009 (Hillsborough River Basin Board and Northwest Hillsborough Basin Board); Multi-Year Project Commitments and Budget Projections Report (FY2010-FY2014); Budget Comparison Report for FY2010; and final millage rate and budget resolution under the Budget tab. For the record, Ms. Kavouras read the three-part staff recommendation.

- (1) Approve and adopt the required final millage rate of 0.2421 mill for FY2010;
- (2) Approve and adopt the final FY2010 budget, as presented with one change to reflect a \$58,000 reduction to the Balance from Prior Years and to the Water Supply and Resource Development Reserves (H100). (A reduced amount of Balance From Prior Years is available for the FY2010 budget due to a FY2009 transfer from contingencies for \$58,000 approved by the Basin Board earlier in the meeting.); and
- (3) Approve Resolution No. 147 -- Resolution Affirming the Required Final Millage Rate and Budget for Fiscal Year 2010.

Following consideration, **Mr. Robinson moved, seconded by Ms. Higginbotham, to approve the staff recommendation as stated above. Motion carried unanimously.** (CD 1/Track 8)

8. **Reports:**

a. **Basin Board Education Committee Meeting Report**

Ms. Higginbotham reported that the Basin Board Education Committee met on July 7, 2009, at the Tampa Service Office. Ms. Cheryl Johnson, Alafia River Basin Board member, was elected Vice Chair. She also reported on the District's Florida Water StarSM Gold program and the Communications Department's media messaging research, media relations, drought coverage, and social media innovations. Ms. Higginbotham said the goal of the messaging campaign is getting people to realize that we are in a drought.

This item was presented for the Board's information; no action was required. (CD 1/Track 9)

b. **Basin Board Land Resources Committee Report**

Ms. Higginbotham provided an overview of the July 13 Basin Board Land Resources Committee meeting, which was held in the Green Swamp West Field Office, Dade City. Main topics of discussion were Revenue Generation through Multiple Use Management of District-Managed Properties; Review of Land Use Stakeholders Discussion Group Meeting, and Florida Forever and Water Management Lands Trust Fund Funding Status. Because the District has utilized a pay-as-you-go business practice and has closely monitored expenditures, the District has remaining funds from prior year allocations to continue its acquisitions and essential land management activities for fiscal year 2010.

This item was presented for the Board's information; no action was required. (CD 1/Track 9)

c. **Governing Board Activities**

A written report was provided to the Basin Board members which gave highlights of the August 25 Governing Board meeting which was held at District Headquarters. Co-Chair

Rovira-Forino thanked staff for their support and commended them for their approach to embracing minority efforts.

This item was presented for the Board's information; no action was required. (CD 1/Track 9)

9. **Announcements:**

Ms. Kavouras reminded Board members of the announcements listed on the agenda, calling special attention to the joint meeting/workshop among Hillsborough, Alafia, and Pinellas-Anclote River Basin Boards on October 15, 2009, at Weedon Island Preserve; and the joint Governing and Basin Boards workshop that is being held December 15 at Nature's Classroom.

Ms. Gilmore requested clarification on the role and responsibilities of the Technical Advisory Committee. (CD 1/Track)

10. **Adjournment**

There being no further business to come before the Board, Co-Chair Rovira-Forino adjourned the meeting at 4:00 p.m.

****Information Items****

These 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. Development of Landscape Fertilizer Best Management Practices – Phase 1 (N013) - Execution Notice
2. Robles Park Water Quality and Natural Systems Enhancement Project (W235) - Execution Notice
3. Florida Department of Transportation Agreement - North Dale Mabry Stormwater Retrofit and Wetland Restoration Project (W259) - Execution Notice
4. Implementation of Best Management Practices at Hillsborough River State Park - First Amendment (W383) - Execution Notice