MINUTES OF THE MEETING

GOVERNING BOARD
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

HAINES CITY, FLORIDA
APRIL 23, 2019

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 10:00 a.m., on April 23, 2019, at the Haines City Lake Eva Event Center. The following persons were present:

Board Members Present
Jeffrey M. Adams, Chair
Ed Armstrong, Vice Chair * Via Phone
Bryan Beswick, Secretary
Michelle Williamson, Treasurer
H. Paul Senft, Member
Randall S. Maggard, Member
John Henslick, Member
Kelly S. Rice, Member
Mark Taylor, Member
Joel Schleicher, Member
Rebecca Smith, Ph.D., Member
James G. Murphy, Member
Scott Wiggins, Member

Staff Members
Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Karen E. West, General Counsel
Brian Werthmiller, Inspector General
John J. Campbell, Division Director
Brian Starford, Acting Division Director
Alba E. Mós, Division Director
Michael Molligan, Division Director
Jennette Seachrist, Division Director

Board Administrative Support
Caroline Browning, Board & Executive Services Manager
Lori Manuel, Administrative Assistant

A list of others in attendance, who signed the attendance roster, is filed in the permanent records of the District. This meeting was available for viewing through Internet streaming. Approved minutes from previous meetings can be found on the District's website (www.WaterMatters.org).

PUBLIC HEARING (00:00)

1. Call to Order
Chair Adams called the meeting to order and opened the public hearing. Secretary Beswick stated a quorum was present.

Mr. Deric Feacher, Haines City manager, welcomed the Board to Haines City

Mr. Brian Armstrong, executive director, introduced the acting Operations, Lands and Resource Monitoring Division director, Brian Starford.

2. Invocation and Pledge of Allegiance
Board Member Murphy offered the invocation and led the Pledge of Allegiance to the Flag of the United States of America.

Chair Adams introduced each member of the Governing Board. He noted that the Board meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Adams stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a “Request to Speak” card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker’s card to comment on agenda items only during today’s meeting. If the speaker
wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Adams stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

3. **Employee Recognition**
Chair Adams recognized employees who have reached at least 20 years of service with the District and thanked them for their service. The following staff were recognized: Tom Hail, Andy Frazier, Frank Gargano, Don Everson, Kim Cash and Kerri Meadors.

4. **Additions/Deletions to Agenda**
Mr. Brian Armstrong, executive director, stated there were no additions or deletions to the agenda.

Board Member Wiggins requested the following items be moved to Discussion:

11. **FARMS – Bethel Farms, LLLP – Phase 3 (H777), DeSoto County**

13. **Individual Water Use Permits Referred to the Governing Board**
   a. **WUP No. 20020789.001 - Nucor Steel Florida Inc. / Nucor Steel Florida Inc. (Polk & Highlands Counties)**
   b. **WUP No. 20020802.000 - S-161 LHR Augmentation / City of Tampa (Hillsborough County)**
   c. **WUP No. 20020664.001 - Hog Island Grove / North Joshua Grove, LLC (DeSoto County)**

Chair Adams said there is good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes. A motion was made to approve the amendments to the published agenda, which was seconded. The motion carried unanimously. (00:09:53)

5. **Public Input for Issues Not Listed on the Published Agenda**
Mr. David Ballard Geddis, Jr., spoke regarding excessive withdrawals from the aquifer.

Chair Adams stated that at the March Board meeting, Vice Chair Ed Armstrong declared a voting conflict for the following item and read the required statement from Vice Chair Armstrong.

10. **Approve the Release of Conservation Easement for Clearwater Christian College Expansion – ERP No. 44004951.013 – Pinellas County**

Consent Agenda
Finance/Outreach & Planning Committee

6. **Water Conservation Month**
Staff recommended the Board approve and execute Resolution No. 19-06 declaring April 2019 as "Water Conservation Month."

7. **Budget Transfer Report**
Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for March 2019.
Resource Management Committee

8. **Pasco County Bexley South Reclaimed Water Transmission System – Scope Change (N778)**
   Staff recommended the Board approve the scope and cost changes for the Pasco County Bexley South Reclaimed Water Transmission System - Phase 2 (N778) to include:
   1. Decrease the length of reclaimed water transmission mains to approximately 2,000 feet.
   2. Decrease the total project cost to $149,850.
   3. Decrease the measurable benefit to 132,000 gallons per day.

9. **Braden River Utilities Soil Moisture Retrofit Program Phase 2 - Scope Change (Q020)**
   Staff recommended the Board approve the scope change for the Braden River Utilities Soil Moisture Sensor Retrofit Program-Phase 2 (Q020) to make available approximately 1,015 SMS devices increasing the project benefit to an estimated 93,000 gpd of water conserved with no change in total project cost.

10. **Recommended FY2020 Springs Projects for FDEP Funding Consideration**
    Staff recommended the Board approve the list of 15 springs projects for submission to the Florida Department of Environmental Protection.

11. **FARMS – Bethel Farms, LLLP – Phase 3 (H777), DeSoto County**
    Staff recommended the Board:
    1. Approve the Bethel Farms, LLLP – Phase 3 project for a not-to-exceed project reimbursement of $448,500 with $448,500 provided by the Governing Board;
    2. Authorize the transfer of $448,500 from fund 010 H017 Governing Board FARMS Fund to the H777 Bethel Farms, LLLP – Phase 3 project fund;
    3. Authorize the Assistant Executive Director to sign the agreement.

Operations, Lands and Resource Monitoring Committee

    Staff recommended the Board:
    • Accept the donation of well site easements from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and authorize the Executive Director to execute the easement.
    • Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

Regulation Committee

13. **Individual Water Use Permits Referred to the Governing Board**
    a. **WUP No. 20020789.001 – Nucor Steel Florida Inc. / Nucor Steel Florida Inc. (Polk & Highlands Counties)**
       Staff recommended the Board approve the proposed permit attached as an exhibit.
    b. **WUP No. 20020802.000 – S-161 LHR Augmentation / City of Tampa (Hillsborough County)**
       Staff recommended the Board approve the proposed permit attached as an exhibit.
    c. **WUP No. 20020664.001 – Hog Island Grove / North Joshua Grove, LLC (DeSoto County)**
       Staff recommended the Board approve the proposed permit attached as an exhibit.

General Counsel’s Report

14. **Administrative, Enforcement and Litigation Activities that Require Governing Board**
Approval
a. Interagency Agreement Between SJRWMD and SWFWMD – Designation of Regulatory Responsibility – Sumter County Commercial Center – Sumter County
Staff recommended the Board approve the Interagency Agreement designating regulatory responsibility over the Sumter County Commercial Center to the St. Johns River Water Management District.

15. Rulemaking – None

Executive Director’s Report
16. Approve Governing Board Minutes - March 26, 2019

A motion was made and seconded to approve the Consent Agenda as amended. The motion carried unanimously. (00:14:01)

Chair Adams relinquished the gavel to the Finance/Outreach & Planning Committee
Chair Williamson, who called the meeting to order. (00:14:21)

Finance/Outreach & Planning Committee
Discussion
17. Consent Item(s) Moved for Discussion - None

18. Investment Strategy Quarterly Update
Mr. John Grady, Public Trust Advisors, provided a presentation on the quarterly investment strategy from January 1, 2019 to March 31, 2019. This presentation included an economic update and yield curve analysis. Housing prices are maintaining a slow upward trend. Unemployment ended at 3.8% in February. Mr. Grady provided a graph that displayed the federal funds rate hike current cycle and Federal Open Market Committee (FOMC) rate projections.

Mr. Grady provided a comparison summary of all District short-term and long-term aggregate investment assets.

Staff recommended the Board accept and place on file the District’s Quarterly Investment Reports for the quarter ended March 31, 2019.

A motion was made and seconded to approve staff’s recommendation. The motion carried unanimously. (00:27:10)

Submit & File Reports
19. Inspector General Quarterly Update - January 1, 2019 to March 31, 2019
20. Self-Funded Health Insurance Plan - 2018 Annual Update
21. Legislative Update

Routine Reports
The following items were provided for the Committee’s information, and no action was required.
22. Treasurer’s Report and Payment Register
23. Monthly Financial Statement
24. Monthly Cash Balances by Fiscal Year
25. Comprehensive Plan Amendment and Related Reviews Report

Committee Chair Williamson relinquished the gavel to the Resource Management Committee Chair Rice, who called the meeting to order. (00:27:23)
Resource Management Committee
Discussion
26. Consent Item(s) Moved for Discussion

11. FARMS – Bethel Farms, LLLP – Phase 3 (H777), DeDoto County
   Board Member Wiggins stated he requested this item be moved to allow for a vote.

   Board Member Wiggins and Board Member Schleicher expressed their opposition regarding this project.

   Staff recommended the Board:
   1. Approve the Bethel Farms, LLLP - Phase 3 project for a not-to-exceed project reimbursement of $448,500 with $448,500 provided by the Governing Board;
   2. Authorize the transfer of $448,500 from fund 010 H017 Governing Board FARMS Fund to the H777 Bethel Farms, LLLP - Phase 3 project fund;
   3. Authorize the Assistant Executive Director to sign the agreement.

   A motion was made and seconded to approve staff’s recommendation. The motion carried with eleven in favor and two opposed. (00:29:06)

27. City of Tampa – Cypress Street Outfall Regional Stormwater Improvements (N773)
   Mr. JP Marchand, Water Resources Bureau chief, provided a presentation on the Cypress Creek outfall regional stormwater improvements. Mr. Marchand provided an overview of the project, project benefits, third-party review results, project evaluation and staff recommendations.

   Board Members expressed water quality concerns regarding untreated water. Mr. Marchand responded that, although not required, water quality components will be utilized. These components will include pervious pavement and baffle boxes.

   Board Members asked about funding costs and the possibility of additional costs that may be associated with this project. Ms. Jennette Geachrist responded that the City of Tampa is responsible for any additional costs.

   Board Member Taylor asked if cooperative funding was not provided, would the project still proceed. Mr. Al Hoel, representing the City of Tampa, responded in the affirmative. He also responded to the Board’s questions regarding water quality concerns and funding costs.

   Board Member Schleicher asked if staff has reviewed the effectiveness of baffle boxes. Mr. Marchand responded in the affirmative.

   Board Member Henslick expressed concerns regarding the use of baffle boxes. Mr. Marchand stated that design storm events are utilized. Board Member Henslick suggested that small storm event pollutant loading be included in the design phase.

   Board Member Smith suggested the use of direct purchase be included as a standard performance requirement in cooperative funding projects.

   Staff recommended the Board:
   1. Approve the City’s request to move forward with final design and construction of the Cypress Street Outfall Regional Stormwater Improvements Project (N773).
   2. Authorize staff to enter into an amendment for the project with a total project budget of $34,516,215 with the District funding a total of $17,258,107.50.
A motion was made and seconded to approve staff's recommendation. The motion carried unanimously.  (01:21:23)

28. Scope of Work Changes to Three Polk Regional Water Cooperative Projects, Addition of a Fourth Project, and Modifications to Governing Board Resolution 18-06

Mr. Eric DeHaven, Resource Management assistant director, provided a presentation outlining requested changes to the proposed alternative water supply projects. Mr. DeHaven stated the changes were approved by the Polk Regional Water Cooperative (PRWC) at its March 2019 Board meeting.

Mr. DeHaven provided a historical background regarding the PRWC. He provided an update regarding resolutions, funding and projects associated with resolutions.

Mr. DeHaven explained that the scope of work requested would add the Peace River land use transition withdrawal project Q133. He stated the project cost is $961,100. Mr. DeHaven explained the project funding will come from the reduction in scope of work and cost savings for the following projects: West Polk (N882); SE Wellfield (N905); and Peace Creek (N928). No additional funds will be requested. Mr. DeHaven provided an overview of project Q133.

Mr. DeHaven explained that Resolution 18-06 will require the following amendments: 1) the addition of project Q133 to Fiscal Year (FY) 2020-2021 existing milestones; 2) the completion of a conceptual water use and feasibility report for project Q133 for FY22; and 3) the addition of project Q133 to FY23 existing milestones. He explained that no additional funds will be required.

Mr. DeHaven responded to questions from the Board.

Mr. Tim Pospichal, representing PRWC, provided information from the March PRWC Board meeting.

Mr. Pat Lehman, representing Polk County Regional Water Supply Authority, provided additional information to the Board.

Mr. Brian Armstrong, executive director, explained the time frame for this request. He stated the settlement agreement between the PRWC and the Peace River Manasota Water Supply Authority (PRMWSA) has placed a time frame of ten years to accomplish what was agreed.

Staff recommended the Board:
1. Change the Scopes of Work and funding for the West Polk Lower Floridan Aquifer Deep Wells Project (N882), the Southeast Wellfield Project (N905), and the Peace Creek Integrated Water Supply Plan Project (N928); 2. Add the fourth feasibility project to the three existing projects - Peace River/Land Use Transition Treatment Facility and Reservoir Project (Q133); 3. Amend Governing Board Resolution 18-06 to add the fourth project and necessary milestones; 4. Transfer funds between the four projects as follows: a. $40,125 from the West Polk LFA Deep Wells project (N882) to the Peace Creek Integrated Water Supply Plan (N928) project; b. $139,508 from the West Polk LFA Deep Wells project (N882) to the Peace River/Land Use Transition Treatment Facility and Reservoir Project (Q133); c. $341,042 from the Southeast Wellfield (N905) to the Peace River/Land Use Transition Treatment Facility and Reservoir Project (Q133).

A motion was made and seconded to approve staff's recommendation. The motion carried with ten in favor and three opposed.  (02:06:20)
Submit & File Reports - None

Routine Reports
The following items were provided for the Committee’s information, and no action was required.
29. **Minimum Flows and Levels Status Report**
30. **Significant Water Resource and Development Projects**

Committee Chair Rice relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Maggard, who called the meeting to order. (02:06:58)

Operations, Lands and Resource Monitoring Committee
Discussion
31. Consent Item(s) Moved for Discussion - None

Submit & File Reports
32. **Hydrologic Conditions Report**

Routine Reports
The following items were provided for the Committee’s information, and no action was required.
33. **Surplus Lands Update**
34. **Structure Operations**
35. **Significant Activities**

Committee Chair Maggard relinquished the gavel to the Regulation Committee Chair Taylor, who called the meeting to order. (02:07:25)

Regulation Committee
Discussion
36. Consent Item(s) Moved for Discussion

13. **Individual Water Use Permits Referred to the Governing Board**
   Board Member Wiggins stated he requested these items be moved to allow for a vote.

   a. **WUP No. 20020789.001 - Nucor Steel Florida Inc. / Nucor Steel Florida Inc. (Polk & Highlands Counties)**
      Staff recommended the Board approve the proposed permit attached as an exhibit.

      A motion was made and seconded to approve staff’s recommendation. The motion carried with eleven in favor and one opposed. (02:11:30) (Board Member Henslick left before this vote)

   b. **WUP No. 20020802.000 - S-161 LHR Augmentation / City of Tampa (Hillsborough County)**
      Mr. Darrin Herbst, Water Use Permit Bureau chief, provided a presentation that presented background information. He stated the District has been issued a permit by the Florida Department of Environmental Protection (FDEP), but once ownership control of withdrawal points are transferred to the City of Tampa, that permit will be cancelled. Mr. Herbst responded to questions from the Board Members.

      Staff recommended the Board approve the proposed permit attached as an exhibit.

      A motion was made and seconded to approve staff’s recommendation. The motion carried unanimously. (02:12:10)
c. **WUP No. 20020664.001 - Hog Island Grove / North Joshua Grove, LLC (DeSoto County)**
   
   Staff recommended the Board approve the proposed permit attached as an exhibit.

   A motion was made and seconded to approve staff’s recommendation. The motion carried with eleven in favor and one opposed. (02:12:28)

37. **Denials Referred to the Governing Board**

   No denials were referred to the Board.

Submit & File Reports - None

**Routine Reports**

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

38. **Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program Update**

40. **Individual Permits Issued by District Staff**

Committee Chair Taylor relinquished the gavel to the Chair Adams. (02:13:00)

**General Counsel’s Report**

Discussion

41. **Consent Item(s) Moved for Discussion** - None

42. **Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Barton Andrews Contractor’s License Number 2690 – CT Nos. 399374, 399408, 399409, 401996, 402024 – Hernando County, Sumter County, and Hillsborough County, Florida**

Ms. Elizabeth Fernandez, staff attorney, provided a presentation that included outlining the disciplinary guidelines, background information of violations for this contractor and an overview of some communications that have occurred with this contractor.

Board Member Williamson asked if Mr. Andrews could obtain another well driller license through the creation of another legal entity. Ms. Fernandez responded that licenses are issued to individuals. Mr. Andrews would be able to construct wells under the use of another well driller’s license.

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Mr. Andrews to obtain compliance, recover an administrative fine/civil penalty, permanently revoke his License, and recover any District costs and fees, if appropriate.
2. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.

   A motion was made and seconded to approve staff’s recommendation. The motion carried unanimously. (02:23:39)

Submit & File Reports - None

**Routine Reports**

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

43. **April 2019 Litigation Report**

44. **April 2019 Rulemaking Update**
Committee/Liaison Reports
45. Environmental Advisory Committee
   A copy of the April 9 meeting summary was provided.

46. Other Committee/Liaison Reports
   A copy of the April 10 Well Driller’s meeting summary was provided.

Executive Director’s Report
47. Executive Director’s Report
   Mr. Armstrong reminded the Board of the alternative water supply workshop scheduled for the August meeting.

   Mr. Armstrong provided an update regarding a Withlacoochee Regional Water Supply Authority (WRWSA) Board meeting he attended on April 17. He provided background information regarding the creation of the WRWSA which was funded solely by the District. Mr. Armstrong stated there is discussion regarding selling the WRWSA wellfield. He stated that he has directed general counsel to evaluate the distribution of proceeds if the wellfield is sold. He explained the importance of cooperation for regional water supply planning.

Chair’s Report
48. Chair’s Report
   Chair Adams emphasized the importance of the agreements between the District and regional authorities. He expressed disappointment regarding the consideration to sell the WRWSA wellfield.

   Chair Adams stated the next meeting is scheduled for May 21 at the District’s Tampa Office.

49. Other
50. Employee Milestones

The meeting was adjourned at 12:47 p.m.

Attest:

Chair

Secretary