MINUTES OF THE MEETING

GOVERNING BOARD
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA SEPTEMBER 25, 2018

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 3:00 p.m., on September 25, 2018, at the Tampa Office. The following persons were present:

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

**Board Members Absent**
John Henslick, Member
Joel Schleicher, Member

**Staff Members**
Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Karen E. West, General Counsel
John J. Campbell, Division Director
Ken L. Frink, Division Director
Alba E. Mås, Division Director
Michael Molligan, Division Director
Jennette Seachrist, Division Director

**Board Administrative Support**
Caroline McKnight, 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** (Video – 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.

2. **Invocation and Pledge of Allegiance**
   Treasurer Williamson 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. **Recognition of Former Governing Board Member Michael A. Babb**
   Chair Adams recognized former Governing Board Member Michael Babb for his service and tenure on the Board.

4. **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: Ray Strickland.

   This item was provided for the Board's information and no action was required.

5. **Additions/Deletions to Agenda**
   Mr. Brian Armstrong, executive director, stated the following item was deleted from Discussion:

   **Resource Management Committee**
   **21. Cypress Preserve Reclaimed Water Transmission Project Phase 1 (N837) and Phase 2 (Q021), Pasco County, Scope Change**

   Ms. Karen West, general counsel, stated that Board Member Schleicher indicated, prior to his departure, that he would like the following item moved to from Consent to Discussion:

   **Resource Management Committee**
   **12. FARMS – University of Florida GCREC (H774), Hillsborough 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. (Audio 00:17:46)

6. **Public Input for Issues Not Listed on the Published Agenda**
   Chair Adams noted at this time, the public is given an opportunity to comment on any topic not listed on the agenda.

   Mr. David Ballard Guedes, Jr., spoke against a water levy.

   Mr. Steve Schwark spoke regarding flooding concerns related to the Foxfire subdivision of the Waverly development in Sarasota County. Mr. Schwark indicated this was a follow-up to his request at the March Board meeting.

   Mr. David Werner, Foxfire Homeowners Association president, spoke regarding flooding concerns related to the Foxfire subdivision by the Waverly development in Sarasota County.

   Ms. Karen West, general counsel, stated that she was uncertain of the enforcement status for this project and cautioned the Board regarding further discussion. She stated she would provide the Board with an update once she was able to determine the status. Vice Chair Armstrong asked that the review be expedited. Ms. West responded in the affirmative.
CONSENT AGENDA
Chair Adams asked that before the Board considers action on the Consent Agenda whether there was anyone in the audience who wished to address the Board regarding an item listed on the Consent Agenda.

Resource Management Committee
7. Rainbow Springshed Stormwater Retrofits Project – Scope Change (WR04)
   Staff recommended the Board approve:
   1. Approve the scope revision for the Rainbow Springshed Stormwater Retrofits project (WR04) to decrease the pollutant removal resource benefit estimates for TN from 308 to 202 lbs/yr and decrease the drainage area treated from 180 acres to 116 acres, which is the measurable benefit in the amended cooperative agreement.
   2. Approve a project cost reduction from $931,510, with the District providing fifty percent ($465,755), to $678,671, with the District providing fifty percent ($339,335).

8. Southeast Riverside Water Quality Improvements Project - Type Change (W302)
   Staff recommended the Board approve changing the risk level from a Type 2 to a Type 3 contract.

   Staff recommended the Board authorize staff to submit the proposed Five-Year Water Resource Development Work Program to the Florida Department of Environmental Protection for review.

10. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Lakes Allen, Virginia, and Harvey in Hillsborough County (P256)
    Staff recommended the Board:
    1. Accept the report entitled, "Revised Minimum and Guidance Levels Based on Reevaluation of Levels Adopted for Lakes Allen, Virginia, and Harvey in Hillsborough County, Florida."
    2. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
    3. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to include the proposed Minimum and Guidance Levels for Lakes Allen, Virginia, and Harvey in Hillsborough County, as shown in the Exhibit.

11. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Brant Lake in Hillsborough County (P256)
    Staff recommended the Board:
    1. Accept the report entitled, "Revised Minimum and Guidance Levels for Brant Lake in Hillsborough County, Florida."
    2. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
    3. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously approved Minimum and Guidance Levels with the proposed Minimum and Guidance Levels for Brant Lake in Hillsborough County, as shown in the Exhibit.

12. FARMS—University of Florida GCREC (H774), Hillsborough County
    Staff recommended the Board:
    1. Approve the University of Florida GCREC project for a not-to-exceed-project reimbursement of $65,794 with $65,794 provided by the Governing Board;
    2. Authorize the transfer of $65,794 from fund 010 H017 Governing Board FARMS Fund to the H774 University of Florida GCREC project fund;
    3. Authorize the Division Director to sign the agreement.
Finance/Outreach & Planning Committee

13. Budget Transfer Report
Staff recommended the Board’s approval of the Budget Transfer Report covering all budget transfers for August 2018.

Operations, Lands and Resource Monitoring Committee

14. Board Encumbrance of the Field Equipment Replacement Fund
Staff recommended the Board approve the encumbrance up to $299,399, plus any additional savings achieved on purchases completed before September 30, 2018, of funds budgeted in FY2018 to procure field equipment in FY2019 via the Field Equipment Replacement Fund.

Regulation Committee

15. Individual Water Use Permits Referred to the Governing Board

General Counsel’s Report

16. Board Designated Encumbrance – Legal Services and Consulting Services for Expert Testimony/Analysis
Staff recommended the Board approve the encumbrance of up to $138,590 of FY2018 funds to be added to prior year funds currently encumbered, providing a total of up to $234,119 for use in FY2019 for legal services and consulting services for expert testimony/analysis.

17. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
   a. Consent Order – Unauthorized Construction – Robert Garcia, 5410 Linebaugh Avenue, Tampa – CT 389286 – Hillsborough County
      Staff recommended the Board approve the proposed Consent Order and authorize the initiation of litigation against Robert G. Garcia as owner of the property at 5410 Linebaugh Avenue, Tampa, Florida, and any other necessary parties obtain compliance with the Consent Order.
   b. Approve the District’s Annual Regulatory Plan for 2018-2019
      Staff recommended the Board approve the District’s Annual Regulatory Plan for 2018-2019 and execute the certification required by 120.74(1)(d), F.S.
   c. Interagency Agreement between the SFWMD and the SWFWMD - ERP - Designation of Regulatory Responsibility – Lake Wilson Road Widening Project – Polk County
      Staff recommended the Board approve the Interagency Agreement Between the South Florida Water Management District and the Southwest Florida Water Management District for Designation of Regulatory Responsibility for an ERP for Polk County for the above-described Project.

18. Rulemaking-None

Executive Director’s Report

19. Approve Governing Board Minutes - August
Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio 00:32:02)

Chair Adams relinquished the gavel to the Resource Management Committee Chair Rice, who called the meeting to order. (Audio: 00:33:03)
Resource Management Committee  
Discussion  
20. Consent Item(s) Moved for Discussion  

12. FARMS – University of Florida GCREC (H774), Hillsborough County  
Ms. West stated that Board Member Schleicher asked this item to be moved for discussion. Board Member Schleicher was not in attendance during this time, and unable to comment.  

Staff recommended the Board:  
1. Approve the University of Florida GCREC project for a not-to-exceed project reimbursement of $65,794 with $65,794 provided by the Governing Board;  
2. Authorize the transfer of $65,794 from fund 010 H017 Governing Board FARMS Fund to the H774 University of Florida GCREC project fund;  
3. Authorize the Division Director to sign the agreement.  

A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (Audio: 00:33:48)

21. Cypress Preserve Reclaimed Water Transmission Project Phase 1 (N837) and Phase 2 (Q021), Pasco County, Scope Change  
Staff recommended the Board  
1. Approve the revision to the project scope for the Cypress Preserve Reclaimed Water Transmission Project Phase 1 (N837) to supply reclaimed water to 190 homes and common areas with no change to the measurable benefit of 0.19 mgd;  
2. Approve the project scope for the Cypress Preserve Reclaimed Water Transmission Project Phase 2 (Q021) to supply reclaimed water to 296 homes and common areas with a measurable benefit of 0.20 mgd.  

Submit & File Reports  
Routine Reports  
The following items were provided for the Committee’s information, and no action was required.  
22. Minimum Flows and Levels Status Report  
23. Significant Water Resource and Development Projects  

Committee Chair Rice relinquished the gavel to the Finance/Outreach and Planning Committee  
Committee Chair Williamson, who called the meeting to order. (Audio: 00:34:09)

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

25. Recruitment and Selection of Inspector General  
Mr. Armstrong, executive director, provided the Board with an update of the status of the recruitment and selection of the Inspector General position. He outlined the advertising medias that were used. Mr. Armstrong provided information regarding the recruitment panel that assisted in the selection, how the candidates were selected and the time line for interviews that occurred.  

Mr. Armstrong introduced the selected candidate, Mr. Brian Werthmiller to the Board.  

Mr. Werthmiller responded to questions from the Board.  

Staff recommended the Board consider the proposed candidate for selection as the District’s Inspector General.
A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (Audio: 00:46:40)

Submit & File Reports – None

Routine Reports
26. Treasurer's Report and Payment Register
27. Monthly Financial Statement
28. Monthly Cash Balances by Fiscal Year
29. Comprehensive Plan Amendment and Related Reviews Report
30. Development of Regional Impact Activity Report

Committee Chair Williamson relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Maggard, who called the meeting to order. (Audio: 00:47:16)

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

32. FY2018 Board Designated Encumbrance for Flood Gate Refurbishment Program (B67R)
Mr. Jerry Mallams, P.G., Operations & Lands Management Bureau chief, provided a presentation on the flood gate refurbishment program. He explained that this program involves 18 flood control structures (59 flood gates) and will be done on a 15- to 17-year schedule. Mr. Mallams explained the capital improvement plan development and schedule of the refurbishment program.

Staff recommended the Board approve the encumbrance of $800,000 from FY2018 to carry forward into FY2019 for the refurbishment of District flood gates.

A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (Audio: 00:52:56)

33. Set Minimum Price on Annutteliga Hammock (AH-2) Surplus Lots Valued Less Than $25,000
Mr. Ken Frink, P.E., Operations & Lands Management director, provided a presentation to the Board. Mr. Frink stated that at the August Board meeting, the Board asked for a streamlined process as related to the selling of surplus lots under $25,000. He provided a map of current land holdings and surplus lands in the Annutteliga Hammock area.

Mr. Frink provided an overview of the current Governing Board policy for the sale, exchange or conveyance of interests in land by the District. He specifically stated that this policy allows the Board to set a minimum price on any property designated as surplus. He stated this could be set as a dollar amount or a percentage above appraised value.

Staff recommended the Board set a minimum price at appraised value for all surplus lots within Annutteliga Hammock valued less than $25,000 as provided for in Governing Board Policy.

A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (Audio: 00:57:27)

34. Hydrologic Conditions Report
Mr. Granville Kinsman, P.G., Hydrologic Data manager, provided a presentation on the hydrologic conditions. Mr. Kinsman stated that rainfall in August was slightly below average. He stated that most of the District remains wetter than normal. Groundwater levels throughout the District remain in the above normal range. Lake levels are below normal in the northern counties. The Tampa Bay, Lake Wales Ridge and Polk Upland lakes are in the normal range. Flows on the
Withlacoochee River are within the above normal range. The Hillsborough, Alafia and Peace rivers are declining but remain above normal. The Hillsborough River, Bill Young and the Peace River reservoirs remain at healthy levels. Mr. Kinsman stated that a secondary type of El Niño is likely to develop in the upcoming months. This could bring above normal rainfall and possibly colder temperatures.

This routine report provides information on the general state of the District’s hydrologic conditions, by comparing rainfall, surface water, and ground water levels for the current month to comparable dates from the historical record

Submit & File Reports - None

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

Committee Chair Maggard relinquished the gavel to the Regulation Committee Acting Chair Senft, who called the meeting to order. (Audio: 01:06:14)

Regulation Committee
Discussion
38. Consent Item(s) Moved for Discussion - None
39. Denials Referred to the Governing Board
   No denials were referred.

Submit & File Reports - None
Routine Reports
The following items were provided for the Committee’s information, and no action was required.
40. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program
41. Overpumpage Report
42. Individual Permits Issued by District Staff

Committee Chair Taylor relinquished the gavel to the Chair Adams. (Audio: 01:06:45)

General Counsel's Report
Discussion
43. Consent Item(s) Moved for Discussion - None

Ms. Karen West, general counsel, informed the Board that a mediation has been scheduled on October 8, at the District’s Tampa office for the Polk Regional Water Cooperative (PRWC) challenge to the Peace River Manasota Regional Water Supply (PRMRWSA) permit.

Submit & File Reports - None
Routine Reports
The following items were provided for the Committee’s information, and no action was required.
44. September 2018 - Litigation Report
45. September 2018 - Rulemaking Update
Committee/Liaison Reports

46. Agricultural Advisory Committee
   A written report was provided for the September 6 meeting.

47. Green Industry Advisory Committee
   A written report was provided for the September 6 meeting.

48. Other Committee/Liaison Report

Executive Director’s Report

49. Executive Director’s Report
   Mr. Brian Armstrong, executive director, updated the Board on efforts the District is pursuing to assist in developing a regional project to provide a solution that will benefit all parties associated with the PRWC challenge to the PRMWSA permit. The District is in the process of scheduling a meeting to discuss this project with the appropriate attendees. Mr. Armstrong stated he will keep the Board apprised.

Chair’s Report

50. Executive Director’s Annual Report
   Chair Adams reminded the Board Members it was time for the annual review of the executive director. Packets were distributed to the Board and they were asked to follow the instructions and return the information via the FedEx envelope enclosed.

51. Chair’s Report
   The next Board meetings are scheduled as follows: October 23 will be in the Brookville office; the November 13 and December 11 meetings will be in the Tampa office.

52. Other
53. Employee Milestones

The meeting was adjourned at 4:16 p.m.

Attest:

Chair

Secretary