

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

DECEMBER 10, 2019

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 11:36 a.m., on December 10, 2019, at the District's Brooksville Office, 2379 Broad Street, Brooksville, Florida. The following persons were present:

Board Members Present

Mark Taylor, Chair
Michelle Williamson, Vice Chair
Joel Schleicher, Secretary
Kelly S. Rice, Treasurer
Rebecca Smith, Ph.D., Member
James G. Murphy, Member
Roger Germann, Member* *via Phone*
Jack Bispham, Member
Seth Weightman, 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, Division Director
Michael Molligan, Division Director
Jennette Seachrist, Division Director
Michelle Hopkins, 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 Mark Taylor called the meeting to order and opened the public hearing. Secretary Joel Schleicher stated a quorum was present.

2. Invocation and Pledge of Allegiance

Board Member Jack Bispham offered the invocation and led the Pledge of Allegiance to the Flag of the United States of America.

Chair Taylor 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 Taylor 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 Taylor 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 Taylor 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: George Prine, Matt Jablonski and Michael Terry.

4. Additions/Deletions to Agenda

Mr. Brian Armstrong, executive director, stated the following item was added to Discussion:

Finance/Outreach & Planning Committee

27a. Purchase and Sale Agreement and Budget Amendment for the Acquisition of an Office Building located at 78 Sarasota Center Boulevard

Board Member Jack Bispham asked that the following item be moved to Discussion:

Operations, Lands and Resource Monitoring Committee

14. Lease Agreement with Florida Department of Environmental Protection – Division of Recreation and Parks for Myakka River State Park – Myakka Prairie Tract - SWF Parcel No. 21-199-105X

Chair Taylor stated there was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes.

5. Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddes, Jr., spoke regarding the use of reclaimed water.

Consent Agenda

Resource Management Committee

6. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Sapphire Lake in Hillsborough County (P256)

Staff recommended the Board:

- A. Accept the report entitled, "Revised Minimum and Guidance Levels Based on Reevaluation of Levels Adopted for Sapphire Lake in Hillsborough County, Florida."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. 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 Sapphire Lake in Hillsborough County, as shown in the Exhibit.

Finance/Outreach & Planning Committee

7. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Lake Charles in Hillsborough County (P256)

Staff recommended the Board:

- A. Accept the report entitled, "Revised Minimum and Guidance Levels Based on Reevaluation of Levels Adopted for Lake Charles in Hillsborough County, Florida."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. 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 Lake Charles in Hillsborough County, as shown in the Exhibit.

8. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Lake Calm in Hillsborough County (P256)

Staff recommended the Board:

- A. Accept the report entitled, "Revised Minimum and Guidance Levels Based on Reevaluation of Levels Adopted for Lake Calm in Hillsborough County, Florida."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. 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 Lake Calm in Hillsborough County, as shown in the Exhibit.

9. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Church and Echo Lakes in Hillsborough County (P256)

Staff recommended the Board:

- A. Accept the report entitled, "Revised Minimum and Guidance Levels Based on Reevaluation of Levels Adopted for Church and Echo Lakes in Hillsborough County, Florida."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. 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 Church and Echo Lakes in Hillsborough County, as shown in the Exhibit.

Finance/Outreach & Planning Committee

10. Budget Transfer Report

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for November 2019.

11. Competitive Procurement Follow-Up Audit

Staff recommended the Board approve the Office of Inspector General Competitive Procurement Follow-Up Audit.

12. Budget Transfer for Settlement Costs from Sale of Sarasota Office

Staff recommended the Board approve a budget transfer in the amount of \$204,507 from the canceled CFI project N990 Zephyr Creek Drainage Improvements for the settlement costs from the sale of the Sarasota Office as follows:

1. Documentary Stamps in the amount of \$16,450;
2. Realtor Commission in the amount of \$188,000; and
3. Recording Fees in the amount to \$57.00.

Operations, Lands and Resource Monitoring Committee – None

13. Assignment of Management Agreement with Citrus County for Chassahowitzka River Campground to the Florida Forest Service – Chassahowitzka River & Coastal Swamps – SWF Parcel No. 15-347-105X

Staff recommended:

- Approve the assignment of the Management Agreement between Citrus County and Florida Forest Service - SWF Parcel No. 15-347-105X.
- Authorize the Governing Board Chair and Secretary to execute the Consent of Assignment form.

14. Lease Agreement with Florida Department of Environmental Protection—Division of Recreation and Parks for Myakka River State Park—Myakka Prairie Tract—SWF Parcel No. 21-199-105X

Staff recommended:

- Approve the lease agreement for Myakka River State Park.
- Authorize the Governing Board Chair and Secretary to execute the lease agreement.

15. Lease Agreement with Florida Department of Environmental Protection Division of Recreation and Parks – Rainbow River Ranch Tract Project – SWF Parcel No. 19-593-108X

Staff recommended:

- Approve the lease agreement for the Rainbow River State Park.
- Authorize the Governing Board Chair and Secretary to execute the lease agreement.

16. Amendment to Management Agreement with the City of Crystal River and the U.S. Fish and Wildlife Service for the Chassahowitzka River and Coastal Swamps – Three Sisters Springs – SWF Parcel No. 15-347-123X

Staff recommended:

- Approve the Amendment to the Management Agreement with City of Crystal River, U.S. Fish and Wildlife Service for Three Sisters Springs - SWF Parcel No. 15-347-123X.
- Authorize the Governing Board Chair and Secretary to execute the Amendment to Management Agreement.

17. Exchange Agreement with Tampa Port Authority for the Expansion of Railroad Right of Way – Schultz Preserve - SWF Parcel Numbers 11-709-154 and 11-709-155S

Staff recommended:

- Approve an exchange with the Port for about 0.5 acres of District property in Schultz Preserve for about 1.1 acres of property owned by the Port.
- Authorize the Governing Board Chair and Secretary to execute an Exchange Agreement consistent with the Letter of Intent signed by the Executive Director dated October 30, 2019.
- Designate the property to be received by exchange (SWF Parcel No. 11-709-155S) as having been acquired for conservation purposes.
- Accept the appraisals conducted on SWF Parcel Numbers 11-709-154 and 11-709-155S.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.
- Authorize the Governing Board Chair and Secretary to execute the utility easement required as part of the exchange.

Regulation Committee

18. Individual Water Use Permits Referred to the Governing Board – None

General Counsel's Report

19. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval

a. Authorization to Issue Administrative Complaint and Order – Violation of Permit Condition – Andre Araujo – ERP No. 43000189.016 – CT No. 396284 – Hillsborough County

Staff recommended:

1. Authorize District staff to issue an Administrative Complaint and Order to Andre Araujo, and any other necessary parties, to obtain compliance with District rules and the terms and conditions of the Permit.

2. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, recover an administrative fine/civil penalty, and recover District enforcement costs, litigation costs, and attorneys' fees, if appropriate.

b. Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Waylon J. Howard – License Number 9247 – CT No. 398945 – Hillsborough County, Florida

Staff recommended:

1. Authorize District staff to issue an Administrative Complaint and Order to Waylon J. Howard to obtain compliance, recover an administrative fine/civil penalty, 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.

c. Authorization to Issue Administrative Complaint and Order – As Built Deviations – Imperial Granite – ERP No. 44029286.000 – CT No. 378487 – Pasco County

Staff recommended:

1. Authorize District staff to issue an Administrative Complaint and Order to the Permittee, and any other necessary parties, to obtain compliance with District rules and the terms and conditions of the Permit.
2. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, recover an administrative fine/civil penalty, and recover District enforcement costs, litigation costs, and attorneys' fees, if appropriate.

d. Memorandum of Understanding Between the SWFWMD and the SFWMD – Water Use Permit Application ID No. 20808.000 – City of Cape Coral Supplemental Water Supply Project – Charlotte County, Florida

Staff recommended the Board approve the Memorandum of Understanding Between the South Florida Water Management District and the Southwest Florida Water Management District for the transfer of surface water between districts as contemplated by the City of Cape Coral's supplemental water supply project above-described Project.

20. Rulemaking – None

Executive Director's Report

21. Approve Governing Board Minutes – November 19, 2019

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda as amended. The motion carried unanimously. (00:09:36)

Chair Taylor relinquished the gavel to the Resource Management Committee Chair Rebecca Smith, who called the meeting to order. (00:09:53)

Resource Management Committee

Discussion

22. Consent Item(s) Moved for Discussion – None

23. Fiscal Year (FY) 2020-21 Cooperative Funding Initiative (CFI) Process

Mr. Kevin Wills, Cooperative Funding Initiative lead, provided a presentation that included an overview of the CFI timeline, a comparison of fiscal year funding requests, the number of FY2021 project proposals and associated funding requests, a list of the regional subcommittees and

members, the proposed meeting schedule and a proposed agenda for the February 2020 meetings.

Staff recommended the Board approve the proposed February and April subcommittee meeting schedule and agenda topics staff has proposed for the February regional subcommittee meetings.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (00:16:15)

Submit & File Reports – None

Routine Reports

The following items are provided for the Committee's information, and no action is required.

24. Minimum Flows and Levels Status Report

25. Significant Water Resource and Development Projects

Committee Chair Smith relinquished the gavel to the Finance/Outreach & Planning Committee Chair Kelly Rice, who called the meeting to order. (00:16:38)

Finance/Outreach & Planning Committee

Discussion

26. Consent Item(s) Moved for Discussion - None

27. Preliminary Budget for FY2021

Mr. John Campbell, Management Services director, provided a presentation that included an overview of the FY2021 calendar, expenditure goals/outcomes, expenditures by categories, expenditures by program, expenditures by areas of responsibility, comparison information of expenditure changes from FY2020 and information regarding revenues by source.

Staff recommended the Board authorize staff to prepare the Standard Format Preliminary Budget Submission for FY2021 based on the preliminary budget as presented, adjusted for any modifications made by the Governing Board on December 10, for submission to the Florida Legislature on or before January 15, 2020.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (00:27:32)

27a. Purchase and Sale Agreement and Budget Amendment for the Acquisition of an Office Building located at 78 Sarasota Center Boulevard

Mr. John Campbell, Management Services director, provided a presentation that included a historical timeline, an outline of requirement criteria, overview of options that were considered, geographical areas of consideration, outline of due diligence completed, an overview of the selected site, purchase summary, list of maintenance and improvements associated with the selected site and a transaction summary.

Mr. Campbell outlined the purchase agreement and the relocation plans for staff. He explained that after maintenance and renovations are completed there will be approximately \$2 million dollars in net proceeds remaining for the District. Mr. Campbell responded to questions from the Board.

Secretary Schleicher commended staff for their work regarding this agreement. However, he expressed concerns regarding more consideration not being given to leasing options for additional savings.

A motion was made and seconded to approve staff's recommendation. The motion carried with eight in favor and one opposed. Secretary Schleicher stated his opposition was due to the lack of consideration given to leasing options. (00:44:45)

Submit & File Reports – None

Routine Reports

The following items are provided for the Committee's information, and no action is required.

28. Treasurer's Report and Payment Register

29. Monthly Financial Statement

30. Monthly Cash Balances by Fiscal Year

31. Comprehensive Plan Amendment and Related Reviews Report

Committee Chair Rice relinquished the gavel to the Operations, Lands & Resource Monitoring Committee Chair James Murphy, who called the meeting to order. (00:45:23)

Operations, Lands & Resource Monitoring

Discussion

32. Consent Item(s) Moved for Discussion

14. Lease Agreement with Florida Department of Environmental Protection – Division of Recreation and Parks for Myakka River State Park – Myakka Prairie Tract - SWF Parcel No. 21-199-105X

Board Member Bispham expressed concerns regarding some of the terms of the agreement and requested sixty days to facilitate changes to the agreement. He expressed concerns regarding the lease not allowing for hunting options.

Mr. Brian Starford, Operations, Lands & Resource Monitoring director, provided background information and responded to questions from the Board.

Staff recommended:

- Approve the lease agreement for Myakka River State Park.
- Authorize the Governing Board Chair and Secretary to execute the lease agreement.

A motion was made and seconded to approve staff's recommendation. The motion carried with eight in favor and one opposed. Board Member Bispham stated his opposition was due to limited language in the agreement and the length of the contract period. (00:53:51)

Submit & File Reports

33. Hydrologic Conditions Report

34. Response to Neil Combee's Comments – Proposal to Exchange the Clark Homeland Ranch for the District's Old Florida Plantation

Routine Reports

The following items are provided for the Committee's information, and no action is required.

35. Surplus Lands Update

36. Structure Operations

37. Significant Activities

Committee Chair Murphy relinquished the gavel to the Regulation Committee Chair Joel Schleicher, who called the meeting to order. (00:56:04)

Regulation Committee

Discussion

38. Consent Item(s) Moved for Discussion – None

39. Denials Referred to the Governing Board

No denials were presented.

40. Consider Water Shortage Order as Needed

No Water Shortage Orders were presented.

Submit & File Reports – None

Routine Reports

The following items are provided for the Committee's information, and no action is required.

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

42. Overpumpage Report

43. Individual Permits Issued by District Staff

Committee Chair Schleicher relinquished the gavel to Chair Taylor. (00:56:40)

General Counsel's Report

Discussion

44. Consent Item(s) Moved for Discussion - None

Submit & File Reports – None

Routine Reports

The following items are provided for the Committee's information, and no action is required.

45. December 2019 Litigation Report

46. December 2019 Rulemaking Update

Committee/Liaison Reports

47. Agricultural and Green Industry Advisory Committee

A written summary of the December 3, 2019 will be provided at the next Board meeting.

48. Other Committee/Liaison Reports

Board Member Smith provided the Board with an update on the November 22 Tampa Bay Estuary Program (TBEP) Policy meeting.

Executive Director's Report

49. Executive Director's Report

Mr. Brian Armstrong, Executive Director, thanked the staff that was involved in the negotiations for the Sarasota office space.

Mr. Armstrong thanked the Board for their participation at the Water Supply and Financial Projections Workshop that morning.

Chair's Report

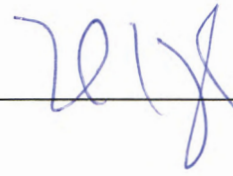
50. Chair's Report

51. Other

52. Employee Milestones

The meeting was adjourned at 12:37 p.m.

Chair



Attest:



Treasurer