Tampa Bay Water

Budget Workshop and Regular Meeting

April 15, 2019 Minutes

The Board of Directors of Tampa Bay Water met in its offices, 2575 Enterprise Road, Clearwater, Florida 33763.

BOARD MEMBERS PRESENT:

Present: Chair – Commissioner Sandra Murman, Hillsborough County
Vice Chair - Commissioner Dave Eggers, Pinellas County
Mayor Rob Marlowe, City of New Port Richey
Councilman Charlie Miranda, City of Tampa
Commissioner Ron Oakley, Pasco County
Commissioner Kathleen Peters, Pinellas County
Council Member Darden Rice, City of St. Petersburg
Commissioner Mariella Smith, Hillsborough County
Commissioner Kathryn Starkey, Pasco County

Staff: Matt Jordan, General Manager

Presenters: Peter M. Dunbar, Legislative Counsel
Chuck Carden, Chief Operating Officer
Warren Hogg, Water Use Permitting Manager

General Counsel: Don Conn, General Counsel

A list of others present who signed the attendance roster was filed in the permanent files of Tampa Bay Water. Staff and consultants presenting to the Board are listed above.

Chairman Murman called the Regular Board Meeting to order at 9:31 a.m. Vice Chair Eggers led the Pledge of Allegiance.

BUDGET WORKSHOP – 9:30 a.m. – Proposed Fiscal Year 2020 Budget

Christina Sackett, Chief Financial Officer, presented an overview of the Agency’s proposed Fiscal Year 2020 (FY20) budget. Ms. Sackett stated agency staff met with member government finance staff to review the proposed budget and address questions. The agency considers its overarching responsibilities while working toward meeting the five goals of the Strategic Plan when developing the budget. Ms. Sackett stated over the past twenty years, the agency has built a complex, diverse water
supply system worth over $1 billion dollars. Key factors were considered when developing the proposed FY20 budget including: forecasting increasing water demands (projected at 180.8 million gallons per day), increased pay-as-you-go funding, implementing demand management incentives programs, and maximizing efficiencies and using rate stabilization funds. Ms. Sackett reviewed the budgeted water supplies and provided information on five new positions requested in the proposed FY20 budget (Real Estate Coordinator, IT Network Specialist, Audio/Visual Specialist, Water Resources System Engineer, and Administrative Assistant). Ms. Sackett reviewed the proposed FY20 total costs of water sales of $182,436.207 and stated for the ninth consecutive year, the uniform rate remains at $2.5590 per 1,000 gallons. Next, Ms. Sackett provided an overview of the agency’s Capital Improvement Program highlighting the major capital projects, ten-year expenditures and funding. Ms. Sackett then provided the next steps concerning the proposed FY20 Budget.

Commissioner Eggers asked what is the current level of debt and what would it reduce to in 2029 and 2033. Ms. Sackett stated the current level of debt with bonds and acquisition credits is roughly $80 million per year. In 2029, the member acquisition credits will be paid in full, dropping the payments down to $70 million per year. In Fiscal Year 2033, the amount is reduced by an additional $33 million dollars, bringing the amount down to $37 million per year. Ms. Sackett explained the only projects not included in the CIP are any Board-approved water quality projects. Commissioner Eggers asked Ms. Sackett to explain the decision-making process concerning adding funds to the rate stabilization fund. Ms. Sackett explained at the end of the fiscal year, staff looks to see what unexpended funds the agency has. According to Board direction, the funds are either put into pay-as-you-go funding or funds are put into rate stabilization to minimize the rate in the future. Management has decided to maintain a level of 10% of the total budgeted costs ($18 million) in the Rate Stabilization Account, there is approximately $22-23 million currently in the account. Commissioner Eggers asked if there is enough in the account to anticipate fluctuations. Ms. Sackett responded there is enough in the rate stabilization account to look at the future years to minimize or maintain the current rate. Chairman Murman asked if there were any new source water projects in the CIP. Ms. Sackett stated currently the CIP includes renewal and replacement and the pipeline project to South Hillsborough County. Chairman Murman asked how much the pipeline project costs. Ms. Sackett responded $93-94 million is budgeted in the CIP. Chairman Murman asked if that increases the agency debt. Ms. Sackett stated that it is part of the $136 million in the 10-year program. Chairman Murman asked what is the total debt. Ms. Sackett responded $1.285 billion (including principal and interest). Chairman Murman asked if the agency will pay $80 million per year up to 2033. Ms. Sackett responded yes, up through fiscal year 2028, and in 2029 the debt payments are reduced to $70 million because the member acquisition credits will be paid in full. In 2033, debt payments will go down to $37 million, and in 2038 it is anticipated that all current debt will be paid in full.

The following speaker(s) made public comment to the Board of Directors:

Mark Klutho
David Ballard Geddis, Jr.

Public comment was duly recorded and is filed in the permanent records of Tampa Bay Water.
The following public comment was submitted regarding Agenda Item H.1. on the Tampa Augmentation Project Agreement and Memorandum of Understanding.

**Cathy Harrelson – St. Petersburg Sustainability Council**

Good morning. I’m Cathy Harrelson. I’m the President of the St. Petersburg Sustainability Council. And I’m here in opposition to the toilet to tap proposal. In spite of the hard work of this body over the years, until you have examined, implemented and exhausted every conservation measure including stopping the use of potable water for turf grass, a crop that we plant, feed and water but never consume, it makes no sense. This type of step should be the very last step that you take. There’s nothing, nothing more important than our aquifer. Nothing more important, other than the air we breathe than water. In addition, it was hard to tell from the presentation that you are adjusting the wholesale rate for communities that have habitually aggregates water abusers. I think I would like to say who that is, but I think we all know. It’s the community that is the most in favor of this proposal in an effort to make money on water coming and going. Pinellas County, lowest per capita water use in the state, what we get for our efforts, and I’m not saying we can’t do better, we certainly can. But what we get are higher rates as a result of the actions of other communities in this consortium. So, these are the kinds of things that until you really have done all the work for conservation, and we’ve really looked at what eventually is going to come to pass, which it is, that we need to get a grip on how we are spending and using our potable water. Not finding ways we think scientifically can get it done in another way by injecting water into our aquifer so it can clean it. It just doesn’t make sense. So, I certainly urge you today to oppose this measure and really take a serious look at all the other things that can be done to make conservation happen. Thank you.

**Dena Leavengood – League of Women Voters (speaking on behalf of Lisa Ryan, Peggy Land, Jason Marlow and Avi Baskin)**

Thank you so much for your consideration. So, good morning, I’m Dena Leavengood and I am here today representing the League of Women Voters of Hillsborough County, St. Pete areas of League of Women Voters and the League of Women Voters of North Pinellas County. And, the letter I am reading into the record is from all three of these Leagues and submitted to the Board for consideration. (Ms. Leavengood proceeded to read the letter which is attached).

**Lisa Vanover – League of Women Voters**

Good morning. I’m Lisa Vanover. I’m the Second Vice President of the League of Women Voters of the St. Petersburg Area. I fully support our letter that Dena shared just now and agree with the op-ed that Tampa Bay Water Board members and the former Tampa Bay Water Manager published in the Tampa Bay Times on Friday. I have a few additional thoughts on Agenda Item H to share as an individual. I previously owned a business, I did government contracts and I was vice president, so I have very extensive experience with government contracts, and I would like to share some thoughts in relation to that. First, thank you for your time and accepting the comments this morning and the work that you do. After reviewing the Interlocal Agreement, I see there are three county signatories, Hillsborough, Pinellas and Pasco. And, three city signatories, New Port Richey, St. Petersburg and Tampa. Tampa Bay Water is not a signatory of the Interlocal Agreement that created Tampa Bay
Water, nor have the signatories delegated responsibilities for amendments to Tampa Bay Water. If you imagine a Venn diagram of who gets to say and to vote on any agreements in regards to the Interlocal Agreement which would include, but is not limited to, amendments to the average million gallons per day and amendments to exclusionary clauses, the six signatories have that authority completely and Tampa Bay Water does not. Tampa Bay Water would be fully outside that Venn diagram. Again, the six signatories I named above may approve such amendments. The structure was put into place to protect the regionality of Tampa Bay Water. So, as much as I respect and appreciate all of the work on this Board, I respectfully ask you to deny the proposal for it is not something you have authority to act on. Good governance means that you must act in accordance with the limits of your authority. Good governance further means that you must protect the regionality of this regional water authority as that is why it was created in the first place and has worked well. I could give you many additional environmental and health reasons to deny this project as it was submitted. I could agree that at some point, there may be a need for alternative water sources if done correctly and according to the public and transparent process laid out in the League’s letter and if such a project was a project of Tampa Bay Water itself, not just one signatory. But the core issue here is that you are being asked to vote on something that does not appear to be within the scope of being a Tampa Bay Water Board member. So, the answer must be no. Again, thank you for time. Thank you for all you do and thank you.

Kent Bailey – Sierra Club

Good morning. Kent Bailey, Chair of Tampa Bay Sierra Club, speaking on behalf of 20,000 members and supporters. Let me begin by reading from TAP Final Phase I Summary and Implementation Plan which says, in part, “The Regulatory pathway for permitting TAP is not clearly defined . . .,” and goes on to say, “it is not specifically covered by existing regulation.” Now, this would not be true if HB 1149, which came across Governor Scott’s desk about a year ago last April, had been signed into law, but Governor Scott did not sign HB 1149 into law, he vetoed it saying that “Florida has stringent water quality standards and we’re going to keep it that way.” If he had signed it, it would be a different matter for regulations related to the TAP project. The two pipes that go down into the aquifer, the injections pipe and the withdrawal pipe, were they connected this project would not be permissible, but the City maintains that because they are separated by a few hundred feet of lime rock somehow or another there’s going to be a purification that happens in the lime rock matrix. Now, they maintain this in spite of 2018 Water Quality Analysis Final Report which in Appendix F says, and I quote, “There’s insufficient data available to make reliable predictions about the persistence or removal of most reclaimed micro constituents.” Speaking about passage through the lime rock matrix. They go on to say, “Even where the characteristic reaction types are reasonably well known there is insufficient evidence, insufficient information, available on the characteristic rates of reaction to make accurately quantitative projections of the reactive quantities and resulting concentrations.” In short, the transformational magic attributed to the lime rock matrix is 100% aspirational and zero percent science. This project is unnecessary, expensive, dangerous and irreversible. The constellation of consequences includes a host of unknown unknowns. We do know; however, that half our domestic water supplies poured out on the ground to grow nonnative turf grass which would be the best use of
this reclaimed water. It is unnecessary, expensive, dangerous, irreversible and, as a matter of fact, probably inconsistent with, at least the spirit of, if not the letter of existing regulations. Thank you.

Nancy Stevens – Tampa Bay Sierra Club Conservation Committee
Good morning. My name is Nancy Stevens, I’m the Tampa Bay Sierra Club Conservation Chair. My comments are based on my concerns that this project is a plan to provide water in the cheapest possible way and then try to convince the public that it will be safe to drink. (Ms. Stevens proceeded to read the letter which is attached).

Jim House - Sierra Club (Suncoast)
Good morning. I’m Jim House, Chair of the Suncoast Sierra Club Conservation Committee. I’m here to talk about toilet to tap, although that’s bad branding and I do apologize on our behalf. What this plan is suggesting we do is pump wastewater down into the aquifer and pump it out at a secondary site and the suggestion has been made that this will somehow clean the water. Let’s assume for a moment that this were true, and we can, indeed, ask the aquifer to be a geological Brita filter. What does one have the capacity to do when the Brita filter in the fridge gets old? That’s right, we change it. We can’t replace our underlying bedrock. Once the filter gets used up, it stays there. And if the water we pump down into the aquifer is not free of dissolved chemistry, that chemistry, no matter how small it is incrementally, will add up in what the scientists call a negative feedback loop. Nitrogen and phosphorus not thoroughly removed will then persist in the aquifer adding to the nutrient pollution in our environment. But this time in a place that naturally doesn’t have any. It will foster bacterial and fungal growth in an unground environment not given to sustain that kind of life. What happens when we have a red tide-scale event but it’s underground and can’t be dealt with as easily as just fish removal off the surface waters. What happens when we inadvertently foul up our entire aquifer by promoting growth of organisms where they don’t belong. Keep in mind the seepage will find its way out into the oceans and into our springs eventually adding nutrient pollution to those waters with algae blooms and cyanobacteria, respectively. This part of the process might not come for some time but once started we will literally have no way to stop it. Another concern that I have is the pH of the water being injected into the aquifer. Large scale water filter operations have a large range of acceptable perimeters and can vary quite a bit. If we are pumping water down into a layer of calcium bicarbonate, the slightest divergence from the correct pH could have the same chemical reaction that any sixth grader could tell you about that made a volcano in science fair. Instead of vinegar and baking soda coming out, we will end up with solution holes and possible sink holes and it won’t be on a geological time scale. We will, in effect, ramped it up into an anthropogenic one. Finally, I thought I would share with you how we test an imperiled water body to see if human waste is a factor in over loading nutrient pollution in a fresh water lake, for example. We test for ibuprofen. We test for that drug because natural filtration systems won’t get it out. This filtration system won’t get it out. There are whole host of drugs that will go into this system and will add up very much like the nutrient pollution will. The only way to successfully do this is by reverse osmosis filtration. That will be an expense process but won’t damage the environment nor future generations and you have to keep the aquifers out of it. Thank you for your time and please, please end this terrible initiative.
Phil Compton – Friends of Hillsborough River

Good morning. I’m Phil Compton and I’m here representing the Friends of the Hillsborough River. Twenty years ago, Friends challenged a Tampa practice on the River that was not based on science but rather the City’s desire to use all of the River’s water, even if it meant leaving none for the River’s estuary below the dam. We challenged that practice, got a 5-year scientific study done and, with Hillsborough County’ support, made sure the River got the daily flow of clean, fresh water that the data showed it requires every day to function as a tidal estuary. In the past 12 years since that day the minimum flow started, the life of the River and the bay have recovered to a remarkable degree. At first the City planned to use water from the Curren treatment plant as a source of that daily flow, but concerned about the effect of contaminants, stopped that plan here at Tampa Bay Water, and this is over a decade ago. On the TAP, as someone who will be drinking this water every day for the rest of my life, we want to know what level of contaminants, chemicals that are not present today in Tampa’s potable water supply, would be there after dilution in the aquifer and normal processing at the Tippen Treatment Plant. We want to know the known impact on human health from long-term exposure to such levels of chemical contaminants as they would still be present after advanced treatment at the Curren plant. We also want to know what the impact would be on the fish now spawning in Spring at Tampa Bay’s Estuary below Tampa’s reservoir in the River. We do know that high enough levels of hormones will turn boy fish into girl fish or vice versa, would we be adding fresh water to the estuary that would wreak havoc on the River’s recovering fish that results in a crash of the bay’s fish and wildlife pollution? We do know that fish navigate by their smell. Would levels of fragrances washing off in everyone’s daily shower remain at levels high enough to blind fish, to numb their sense of smell the way you might experience after a few minutes at a department store perfume counter. We don't know any of these things. Perhaps it would be perfectly safe to add this water with no additional treatment. Perhaps Tampa can safely avoid spending money on the additional treatment that other cities invest in to ensure the safety of their reused water. Perhaps it would be safe for Tampa to do this project on the cheap. But until answers to questions like these are provided with factual documentation, and absolute certainty to the public that drink the water and care about the river and the bay, Tampa should not proceed with what appears to be a project with many potentially serious unknown risks. The former leaders of Tampa Bay Water made it clear in their opt-ed last week that there’s no rush to get this project through. Well, there is one, Mayor Buckhorn’s desire to get this project approved before he exits office. That, by itself, should not be allowed to prevail as a reason to cut corners as a permanent change is made to the safety and quality of Tampa’s drinking water. Changes that, once done could not be undone. Changes that could permanently affect the health of hundreds of thousands of the current constituents. The Board of Tampa Bay Water should demand answers to these and other questions before approving Tampa’s request. Thank you.

Benjamin Ochshorn, Water Reuse Chair, Tampa Bay Group of the Sierra Club

Good morning. My name is Ben Ochshorn, I’m the Water Reuse Chair, of the Tampa Bay Group of the Sierra Club. I sent in a five-page letter to you that I assume many of you have read (attached). I’m not going to repeat it and you’ve heard a lot of what was said and other comments, so I’m not going to repeat that either. But what I do want to say is that based what I said on reading all the reports and what I think is the authoritative guide on potable reuse at the moment which is the 2017 EPA Potable
Reuse Compendium, which discusses the science, and the regulations, and the different processes, it's written very clearly. I want to make that it's clear that I didn’t start out opposing this, but this really isn’t done right and what I’d like to talk about is your role here because the other things have already been covered. And that’s a decision of an environmental agency. We don’t have scientists here. If you mess up what’s in the Floridan Aquifer under the City of Tampa, the area won’t have any water that is safe drink. It’s a real big risk. What I think what would be a much better course is to let these regulations be adopted at the state level, perhaps get involved in it if there’s a way for you to do it. My guess is the regulations would be similar to the ones in California where they have a lot of potable reuse projects and there’s a requirement if you put water into the aquifer you have reverse osmosis and a very tight filtration to try and get out some of the chemical stuff and whatever that would be in the sewage effluent. So, we expect that would probably be in place here. Also look at it at a regional level. Instead of just approving this one, if you’re going to have this kind of project wouldn’t it make more sense to have it in Pinellas County, away from aquifer that you’re using for water? Something like the Clearwater Project. So, that’s it. But I wanted to let you know that I didn’t have any views at the start and it was based on the research that I did. So, I urge you to vote this down and continue to look for ways to find us clean water.

Dr. Don Polmann
Dr. Don Polmann speaking today as a private citizen. My perspective and opinions are my own based on private knowledge and public information. I depend on Tampa Bay Water for regional supply. Good morning, Madam Chair and Board Members. Thank you for the opportunity to speak. Item H1 offers no direction and lacks a recommendation. The Agreement is ill-conceived and torments the region. I recommend you reject H1 with no action. If you vote, I urge you to vote no. The partnership agreement with SWFWMD in 1998-2008 is well-known for its $183 million in co-funding. That was 50% of the estimated $365 million. The actual cost exceeded $600 million. TAP will not cost $350 million, it will likely exceed $500. This is not a secret. The Hillsborough River permit increasing from 82 million gallons per day to 132 million per day for Tampa presumes reclaimed water at a one-to-one benefit. This is unproven and highly unlikely. For Tampa Bay Water, claiming 20 million gallons per day or more average annual for the Tampa Bypass Canal is simply false. Many knowledgeable people agree with this. TAP requires at least 15 permits and approvals which are beyond Tampa’s control. Schedules and outcomes are unknown and unknowable. Apparently, TAP includes 27 new wells and a water use permit. That’s a wellfield. The fact is wellfields belong to Tampa Bay Water. Assigning authority wellfields to members was never contemplated and has no basis. Considering the contract, it is fundamentally flawed. As previously stated by others here today, Tampa Bay Water is not a party to the Interlocal Agreement of its six members. But the agreement makes claims and relies upon six members collectively and the Interlocal Agreement and multiple clauses. TAP must be a regional project to capture SWFWMD co-funding and regional projects have always only been funded through regional authorities. This is clearly problematic. This agreement claims consistency with the Interlocal Agreement and states that no changes in state law are required. Two parties don’t decide this by contract. As others have stated here today, this agreement attempts to separate a member from the intent, purpose and function of Tampa Bay Water to operate its own
supply while acting here in name only. Again, this is beyond the scope of a two-party contract. I would appreciate you not considering this.

CONSENT AGENDA

A. GENERAL MANAGER
1. Board Minutes for February 18, 2019, Regular Board Meeting – Approve
2. Public Affairs –
   a. 2019-2024 Agency Strategic Plan Update and Performance Dashboard – Approve
   b. 2019-2021 Agency Communications Plan – Approve

B. GENERAL COUNSEL
1. No Report

C. WATER PRODUCTION
2. Capital Improvements Program- Task Order Authorization- Approve
3. South-Central Hillsborough County Supply Improvements Program – Memorandum of Understanding and Release of Wellfield Feasibility Work – Approve and Release of Work associated with the Test Production Well activities
4. Polymer Supply Services – Contract #2016-007 with BASF Corporation – Supplier Name Change – Approve
5. HVAC Maintenance Services – Third Amendment to Contract No. 2017-009 with Tampa Bay System Sales, Inc. d/b/a Tampa Bay Trane – Contract Increase – Approve
6. Painting Services – First Amendment to Contract No. 2019-008 with Bayside Coatings, Inc. – Contract Increase – Approve

D. SCIENCE AND TECHNOLOGY
1. Hydrologic Conditions Update – Status Report
3. Florida Water Loss Pilot Technical Assistance Program – Status Report
4. Regional Demand Management and Member Government Water Conservation Activities – Status Report
6. Regional Water Supplies and Member Demand – Status Report
7. Reservoir Transition to Owner-Operator –
   a. Receive Status Report
b. Close-out of Contract 2011-027M with Kiewit Infrastructure South for Regional Reservoir Renovation, Design/Build Contractor - Approve

c. Close-out of Contract 2010-028V with Jacobs (formerly CH2M Hill Engineers, Inc.) for Regional Reservoir Renovation, Design Criteria Professional - Approve

8. Water Quality Update – Status Report

9. As-Needed Domestic Well Investigation, Mitigation and Drilling Services, Contract Nos. 2018-031 and 2018-032 Citrus Park Well Drilling and Irrigation, Inc., and Baker Well Drilling, Inc. in the amount of $100,000 Per Contract – One Year Renewal- Approve

10. Annual Demand Forecast Evaluation and Long-term Demand Forecast Update, June 17, 2019 Presentation – Approve

E. FINANCE
No items were presented to the Board.

F. CONSENT DISCUSSION

Chairman Murman announced the Consent Agenda and asked if any agenda items should be pulled for discussion. Commissioner Eggers asked that agenda item C.3 be pulled. Chairman Murman stated agenda item C.3 would be deferred to a later date. Chairman Murman asked for a motion to approve the Consent Agenda including removing and deferring Agenda Item C.3.

Motion: Commissioner Mariella Smith moved for approval of the Consent Agenda. Commissioner Ron Oakley seconded the motion.

Vote: The motion carried by a vote of 9-0.

REGULAR AGENDA

G. GENERAL MANAGER
1. Executive Committee Report and Minutes – March 18, 2019 -

Matt Jordan, General Manager, noted the Committee met on the March 18, 2019. Mr. Jordan noted topics covered at the Executive Committee Meeting included the agency’s State funding requests concerning Reservoir Solar Energy System, Eldridge-Wilde Underground Powerlines and Eldridge-Wilde Wellfield Pumps and Motors, as well as co-funding requests to SWFWMD (District) on three Master Water Plan studies which are currently pending the District Board’s approval.

Commissioner Eggers asked how the District funding is affected concerning the Memorandum of Understanding (MOU) on the SHARP project since there is currently no MOU. Mr. Jordan called Ken Herd, Chief Science and Technical Officer, to the podium to address the question. Mr. Herd explained the application would rank low without the approval of the MOU by the Tampa Bay Water Board. In the absence of the MOU, it is very difficult to move forward in the process.
Commissioner Eggers asked if the MOU is approved at some point, could the application be resubmitted. Mr. Herd responded yes.

A copy of the full report can be found in the agency’s Records Department.

No Board action is required on this item.

H. GENERAL COUNSEL
1. Agreement and Memorandum of Understanding with the City of Tampa Regarding the Tampa Augmentation Project – Discussion and action

Don Conn, General Counsel, introduced Agenda Item H.1. Mr. Conn stated in February 2019, the Board discussed the Agreement and Memorandum of Understanding (TAP Agreement and MOU) with approved six new sections to be added to the TAP Agreement and MOU making a total of 15. Mr. Conn reviewed a list of documents the Board Members were provided in their agenda packets and then turned the meeting over to Peter Dunbar, Special Counsel, for further discussion. Mr. Dunbar provided an overview of attachment 3 in the Board packet and asked in what order the Board would like to discuss the issues. Council Member Rice requested Issue 12 be discussed first, then Issue 7. After discussion, the Board agreed to discuss Issue 12 first. Council Member Rice moved to defer the TAP Agreement and MOU discussion until June 2020 and ask the Board to direct Tampa Bay Water staff to support the City of Tampa’s appropriations request filed by Representative Toledo for $1.6 million for State co-funding. If the $1.6 million in co-funding request does not pass, she would support Tampa Bay Water committing to the City of Tampa the $1.6 million in co-funding. Commissioner Oakley seconded the motion. Chairman Murman opened the issue for discussion. Mayor Marlowe asked Council Member Rice to explain the purpose of her motion. Council Member Rice stated it allows the Board to proceed with caution. Commissioner Eggers supported the motion and expressed his desire for the Board to continue to investigate the question whether the TAP Agreement and MOU is a substitute to amending the Interlocal Agreement (ILA). Commissioners Oakley, Starkey and Smith expressed their support of the motion. Chairman Murman asked Jan McLean, Assistant City Attorney, to speak on behalf of the City of Tampa. Ms. McLean asked for a clarification of the motion. Council Member Rice reiterated her motion. Ms. McLean stated the City of Tampa is not opposed to deferring the matter until June 2020; however, there are questions concerning the assignment of rights. Ms. McLean requested a short break to allow her to confer on the matter. Councilman Miranda suggested deferring the matter to be discussed at the June 2019 Board meeting. Chairman Murman recessed the meeting at 11:08 a.m. to allow the City of Tampa staff to confer.

The Board reconvened at 11:34 a.m. Ms. McLean thanked the Board for allowing the City of Tampa the opportunity to confer and stated the City agreed with the deferral of consideration of the TAP Agreement and MOU to June 2020. Council Member Rice clarified that consideration of the TAP Agreement and MOU would be deferred until June 2020 and the Board would direct Tampa Bay Water staff to provide a statement of support of the appropriations request of $1.6
million filed by Representative Toledo. Should the appropriations request not pass, the Board directs Tampa Bay Water staff to commit up to $1.6 million in co-funding. The funds would not alleviate the City’s contribution and the test wells would be under the auspice of Tampa Bay Water. Ms. McLean stated for clarification that, if the State does not approve the pending legislation, Tampa Bay Water would commit $1.6 million co-funding for the same activities the City applied for to the District. The City of Tampa would put in its own $1.6 million, making the total $3.2 million. The City of Tampa would continue with the project as proposed so there would not be any rights with regards to wells being under Tampa Bay Water. The City would use its aquifer storage and recovery wells that are already in existence. Ms. McLean explained as part of the next phase, the City is trying to confirm constructing a recharge well as part of the ongoing next phase of information and there would not be water supply facility wells being developed in the interim. If any permits are required for the ongoing information collection, they would be of a temporary nature not of a duration for a water use permit. Council Member Rice stated she does not support the project; however, she is willing to commit the funds for those studies the City needs to do. Chairman Murman requested to amend the motion to defer the item to take action in June 2020. Council Member Rice asked about requiring peer review of all TAP reports. Chairman Murman asked Mr. Conn if the scientific peer review applies to reuse water as well as everything. Mr. Conn responded yes. Council Member Rice restated her motion as follows: To defer the TAP Agreement and MOU vote until June 2020. And to invoke peer review of all TAP reports per the ILA. To hold in abeyance Board decisions about these studies until the Board is in receipt of peer review reports and feasibility analysis. Ms. McLean stated the motion does not include the requirement for the peer review at this point. Chairman Murman responded that is correct. Ms. McLean stated the motion does include that, in the event the State (or SWFWMD) does not provide the City with the money that was requested through the Legislature, that Tampa Bay Water will then budget co-funding for the City up to the $1.6 million. Council Member Rice reiterated the co-funding is to replace co-funding not received from the State or SWFWMD, not the City of Tampa contribution. Commissioner Eggers stated his concerns that the Tampa Bay Water Board does not have the right to make changes to the ILA, that right should be relegated to the individual commissions who are party to the ILA. Ms. McLean stated the motion does not include the requirement for the peer review at this time and, in the event the State does not provide co-funding, Tampa Bay Water will budget co-funding up to $1.6 million to the City of Tampa. Chairman Murman responded that was correct. Chairman Murman asked for a vote on the motion.

**Vote:** The motion passed by vote of 9-0.

Council Member Rice requested a motion to direct Tampa Bay Water staff to produce a summary of staff time and attorney billing records for everything related to TAP. Commissioner Eggers seconded the motion. Chairman Murman asked for a vote on the motion.

**Vote:** The motion passed by vote of 9-0.
Commissioner Eggers moved for staff and legal counsel (and member government counsel) to continue to investigate the validity of the MOU as it relates to giving up water production rights. Commissioner Oakley seconded the motion. Chairman Murman asked for a vote on the motion.

**Vote:** The motion passed by vote of 9-0.

Chairman Murman passed the gavel to Vice Chair Eggers and made a motion for Tampa Bay Water’s general counsel, in consultation with member government counsel, to offer a legal opinion about member government rights to develop, own, operate all facilities for reclaimed water. Commissioner Smith seconded the motion. Commissioner Eggers asked that the attorneys who assisted with drafting the Interlocal Agreement be contacted for their input. Vice Chair Eggers asked for a vote on the motion.

**Vote:** The motion passed by vote of 9-0.

Mr. Dunbar asked if the Board would like the legislative team to weigh-in with the Legislature in favor of the appropriations. The Board agreed that was part of the motion.

I. WATER PRODUCTION

1. Award of Construction Contract – Design-Build for Cypress Creek Purchasing Warehouse Building Replacement Project, Contract No. 2019-011 to Wharton Smith, Inc. – **Approve**

Chuck Carden, Chief Operating Officer, provided a brief presentation on the Award of Construction Contract concerning replacement of the Cypress Creek warehouse building. Chairman Murman asked for a motion to approve agenda item I.1.

A copy of the full report can be found in the agency’s Records Department.

**Motion:** Commissioner Dave Eggers moved for approval of Agenda Item I.1. Commissioner Kathryn Starkey seconded the motion.

**Vote:** The motion carried by a vote of 8-0. Commissioner Oakley was no: present during the vote.

J. SCIENCE AND TECHNOLOGY


Warren Hogg, Water Use Permitting Manager, provided a presentation on the preliminary results of the Consolidated Water Use Permit Recovery Assessment Plan. Mr. Hogg provided a brief history of the agency wellfields and environmental impact and recovery over the last 30 years. He reviewed the requirements of the current Consolidated Permit and the Recovery Assessment Plan
and explained the key issues and decisions made in cooperation with SWFWMD. Mr. Hogg noted Tampa Bay Water submitted its report to SWFWMD at the end of December 2018 summarizing work performed to date and our preliminary findings. The preliminary results showed that 66% of all assessed sites meet their metric of health or recovery, 27% of all sites have substantially improved and only 1% (eight assessed sites) are still currently impacted by wellfield pumping to an adverse degree. Mr. Hogg reviewed the next steps noting a final report will be developed as part of the Consolidated Permit renewal application in 2020 and will be brought before this Board for consideration in June or August 2020.

Commissioner Egger asked where or who would potential property buyers contact for information on a specific parcel of land they may be interested in purchasing. Mr. Hogg offered to be the point of contact.

A copy of the full report can be found in the agency’s Records Department.

No Board action is required on this item.

K. FINANCE

No items were presented to the Board.

L. OLD BUSINESS AND OTHER ADMINISTRATIVE MATTERS

No items were presented to the Board.

M. RECEIVE & FILE

1. Human Resources Activity Report for February and March 2019
2. General Counsel Activity Report
   a. Legal Services Activity Report for February and March 2019
   b. Legal Services Budget Report for February and March 2019
3. Public Affairs Activity Report for February and March 2019
4. Finance and Administration Activity Reports:
   a. Finance & Administration Activity Report for February and March 2019
   b. Comprehensive Check List with Delegated Check Approval for January and February 2019
   c. Investment Schedules as of January and February 2019
   d. Financial Statements and Fund Analysis for January and February 2019
   e. Disposition of Assets through December 2018
   f. Vendor Status Report through December 2018
5. Water Production Activity Report for February and March 2019

Chairman Murman asked for a motion to approve the Receive & File.
Motion: Councilman Charlie Miranda moved for approval of Receive & File. Commissioner Mariella Smith seconded the motion.

Vote: The motion carried by a vote of 8-0. Commissioner Oakley was not present during the vote.

IV. ADJOURNMENT

The Board adjourned at 11:52 a.m.

Attest:  
Matt Jordan, General Manager/Secretary

Date: 01/18/19