

Clearwater, Florida – April 20, 2009

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

BOARD MEMBERS PRESENT:

Present: Chairman – Commissioner Mark Sharpe, Hillsborough County
Vice Chairman – Commissioner Ann Hildebrand, Pasco County
Council Member James Bennett, City of St. Petersburg
Commissioner Al Higginbotham, Hillsborough County
Commissioner Susan Latvala, Pinellas County
Mayor Scott McPherson, City of New Port Richey
Councilman Charlie Miranda, City of Tampa

Absent: Commissioner Ted Schrader, Pasco County
Commissioner Karen Seel, Pinellas County

Staff: Gerald J. Seeber, General Manager
Rick Lotspeich, 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 below:

Staff/

Consultant: Dr. Alison Adams, Senior Manager, Source Rotation & Environmental Protection
Chuck Carden, Director, Operations & Facilities
Jon Kennedy, Senior Manager, Planning & Engineering

Following the close of the Demand Management and FY 2009/2010 Budget Workshops, Chairman Sharpe called the Regular Meeting of the Tampa Bay Water Board of Directors to order at 9:55 a.m.

PUBLIC COMMENT

Public comment was duly recorded and is filed in the permanent files of Tampa Bay Water.

CONSENT AGENDA

A. ADMINISTRATION

1. Board Minutes for February 16, 2009 Board Meeting - *Approve*

B. FINANCE & ADMINISTRATIVE SERVICES

1. FY 2009 Budget Line Item Transfer #1 - *Approve*
2. Assignment of Bear Stearns to J.P. Morgan - *Approve resolution*
3. Management & Performance Audit Goals - *Approve*
4. Supervisory Control and Data Acquisition (SCADA) Systems Replacement at High Service Pump Station - *Approve*

5. Amendments to Contract 2008- with Tucker/Hall and Contract 2009- with Dialogue Public Relations for As-Needed Strategic Communications Consultation and Water Shortage Management Workshop - *Approve*

C. SCIENCE & ENGINEERING

1. Hydrologic Conditions Report - *Status Report*
2. Long-Term Water Supply Planning
 - a. Master Water Plan - *Status Report*
 - b. Outside Funding - *Status Report*
 - c. Professional Services for Integrated Source Water Protection Plan - *Approve*
Consultant Ranking and Authorize Negotiations with Top-Ranked Firm
 - d. Long-term Demand Forecasting and Future Need Analysis - *Status Report*
 - e. Demand Management Plan - *Status Report*
3. Tampa Bay Estuary Program – Nitrogen Management Consortium’s Update to the Reasonable Assurance for Tampa Bay - *Status Report*
4. Mid-Pinellas Brackish Water Desalination Project – Terminate Joint Project Agreement with Pinellas County for the County’s Starkey Road Improvements - *Approve*
5. Consolidated Water Use Permit Renewal - Application Development Process - *Status Report*
6. As-Needed Engineering Services Agreement – First Amendment to Contract No. 2009-025 with Boyle Engineering Corporation to Change Company Name - *Approve*
7. US 301 Interconnect Pipeline Extension – Request for Modification of Environmental Resource Permit No. 44020253.012 - *Approve Submittal to SWFWMD*
8. Real Property – US 301 Interconnect Pipeline Extension – Amended Deed of Conservation Easement with Environmental Protection Commission of Hillsborough County at no cost - *Approve*
9. System Configuration II – Northwest Hillsborough Pipeline Project
 - a. Real Property Disposition – Conservation Easement to Florida Department of Environmental Protection with no income - *Approve*
 - b. Real Property Acquisition – Easement Agreement at Northwest Hillsborough Potable Water Treatment Plant with Hillsborough County at no cost - *Approve*
 - c. Real Property Acquisition – Easement Agreement at the Cosme Water Treatment Plant with City of St. Petersburg at no cost - *Approve*
10. Real Property Acquisition – Property Redress at South-Central Hillsborough Monitor Well No. 8 – Offer to Purchase and Easement Agreement with RHC Master Association, Inc., at \$553.50 plus estimated closing costs of \$700.00 - *Approve*
11. Real Property – Brandon/South-Central Connection, Parcel No. 4201.06P – Mutual Use Agreement with Hillsborough County at no cost - *Approve*
12. Real Property – Cosme-Odessa Wellfield – Gunn Highway Well Collector Main – Settlement Agreement and Restrictive Covenant with Fifth Third Bank at no cost - *Approve*
13. Real Property Acquisition – Northwest Hillsborough No. 7 Connection – Easement Agreement at Lake Park Water Treatment Plant with Hillsborough County at no cost - *Approve*
14. C.W. Bill Young Regional Reservoir – On-Site Drainage Improvements on the North Carlton-Smith Wetland Mitigation Area – Request for Modification of Environmental Resource Permit Application No. 29-0178328-3-001 - *Approve Submittal to DEP*

15. C.W. Bill Young Regional Reservoir Annual C.W. Bill Young Regional Reservoir Permit Compliance Monitoring and Reporting Activities – Amendment No. 2 to Contract No. 2006-036 with CH2M Hill, Inc., at no added cost - *Approve*
16. Ranch Operators Assistance Program (ROAP) – Secret Promise LTD Ranch – Pasco County - *Approve agreement to reimburse for installation of livestock watering systems in an amount not to exceed \$60,000*

D. OPERATIONS & FACILITIES

1. System Configuration II Construction Update - *Status Report*
2. Carrollwood Collection Main – Contract 2, Project No. 04901 (Contract No. 2006-002) – Project Closeout - *Approve*
3. West Pasco Infrastructure Project – Maytum Water Treatment Plant Modifications, Project No. 05903 (Contract No. 2007-021) - Project Closeout - *Approve*
4. Cypress Creek Pump Station Header Improvement Project, Phase 2, Project No. 07022 (Contract No. 2007-051) – Project Closeout - *Approve*
5. Regional Facilities Site – Repump Station Piping Modifications and Points of Connection, Project No’s. 07051, 08301 and 08302 (Contract No. 2007-038) – Project Closeout - *Approve*
6. Tampa Bay Water Insurance Program – Selection of pre-qualified brokers to solicit insurance proposals and delegation of authority for selection of Fiscal Year 2010 Insurance Program - *Approve*
7. As-Needed Cathodic Protection System Repair Services – Award Contract No. 2009-060 to the lowest responsive, responsible bidder, EMS USA, in the amount of \$100,000 per fiscal year - *Approve*
8. Fiber Optic Installation Services – Starkey Wellfield – Award Contract No. 2009-071 to the lowest responsive, responsible bidder, InfraSource Underground Construction Services, LLC, in the amount of \$92,143.70 - *Approve*
9. Tampa Bay Water “Good Neighbor” Domestic Well Mitigation Program, As-Needed Mitigation Well Drilling Contractor Services – award five separate contracts to the five lowest responsive, responsible bidders - *Approve*
10. Hydrochloric Acid Supply Services – Fiscal Year 2009 Chemical Procurement - *Approve*
11. Water Quality Update - *Status Report*
12. Vehicle Maintenance/Fleet Replacement Program Fiscal Year 2008/2009 in the amount of \$220,000 - *Approve*
13. Morris Bridge Sink Emergency Water Supply – Thompson Pump rental, fuel and contingency in the amount of \$162,000 - *Approve*

E. GENERAL COUNSEL

1. Tampa Bay Water v. Centex Real Estate Corporation, Thomas J. Baldwin and Tammy L. Baldwin, et. al., Civil Case No: 08-27638, Div. F., Hillsborough County Circuit Court - *Approve Settlement of Parcels 6401.06P, 6401.06AT and 6401.06BT*

Prior to approval of the Consent Agenda, Mr. Seeber pulled Agenda Item C9c stating that staff would bring it back for Board approval at a future meeting.

Motion: Commissioner Hildebrand moved approval of the remainder of the Consent Agenda. Councilman Miranda seconded the motion. The motion carried by a vote of 7-0 (Commissioner Schrader and Commissioner Seel were absent).

REGULAR AGENDA

F1. Report on Consolidated Water Use Permit and request to the Southwest Florida Water Management District

Mr. Seeber stated that this item is a report on the Consolidated Water Use Permit and the request that Tampa Bay Water made to the Water Management District. On March 5, we wrote to the District and asked for authorization to continue pumping from the wellfields governed by the Consolidated Water Use Permit in order to meet member demands. That request was denied by the Executive Director in a letter dated March 17. Mr. Seeber stated that he again wrote to the District asking for reconsideration, and on March 31 he attended the Governing Board meeting in order to speak to them on this item. Prior to his presentation, the District staff made their recommendation which was followed by a motion to concur with the staff recommendation and seconded.

Mr. Seeber advised that he spoke to the Governing Board for a number of minutes presenting our request on the basis of our successful 11 year partnership with the District, and on the basis of the actions taken by each of the six member governments to reduce demand during this current critical surface water shortage. His request was also based on the fact that the region is in its third year of below normal rainfall, and both the agency and the City of Tampa are now heavily dependent upon surface water.

Mr. Seeber stated that subsequent to his comments, the Governing Board voted unanimously to deny our request. The fact that no authorization was granted means that we will exceed our Consolidated Water Use Permit pumping limits until such time as the surface water flows return to a level that will sustain operations at the Surface Water Treatment Plant. The action by the Governing Board places the District and Tampa Bay Water in a permit enforcement environment and further away from the partnership relationship that was forged 11 years ago.

Mr. Seeber stated that he wanted to give the Board an opportunity to discuss this matter since the conversation at the Governing Board Meeting on March 31 was a bit different than the conversation that took place at the January 26 Joint Board Meeting. Although he had some thoughts on what our next steps might be, he wanted to give the Board a chance to discuss these developments with each other.

Referring to a graphic used by Mr. Seeber during the budget workshop (FY 2010 Budgeted Source Allocation for an Annual Average Demand of 176.6 mgd), Mayor McPherson stated that it appeared to him that we started to exceed the 90 mgd in February or March of 2009. Mr. Seeber confirmed it was in March.

Mayor McPherson stated what caught his attention was the fact that the 12-month running average line went all the way to April 2010 before it dipped below the 90 mgd permit limit. Since we may exceed the permit limit for a year, Mayor McPherson asked what potential sanctions the District might decide to implement.

Mr. Seeber explained that the graphic represents a 12-month running average and the reason that the pumping line is above the permit limit line for so long is because of the four months, March, April,

May and June. Once we get past that point, assuming we have a normal hydrologic cycle this coming summer and fall and have the ability to make use of surface water, we will be pumping within our limit. It also assumes the purchase of water from the City of Tampa later this year in order to bring that average down. In terms of the District, they have a methodology they employ when computing sanctions for permit violations that is a function of how much excess pumping occurred, how great was the exceedance and for what duration.

Mr. Seeber added that Mr. Moore has indicated that some type of fine would be necessary, but the District did not believe it would be an actual out-of-pocket payment. He thought the District would look for an expenditure of funds, either in conservation or an alternative water supply in lieu of making a payment to the District. He noted that the number Mr. Moore used was \$1 million.

Although Mayor McPherson understood that staff was preparing information he requested, for the record he stated that he was requesting information regarding what percentage of the pumping in excess of the 90 mgd was coming from the Pasco County wellfields.

Commissioner Latvala asked Mr. Seeber what he would like Board members to do; would he like them to talk to SWFWMD Board members. She stated that she talked to a couple of District Board Members and they didn't have any concern about what happened at that meeting. She was told by one Governing Board Member that they never collect on the fines, and that the vote was nothing more than a formality. Further, the District didn't want to have any conversation about it until we actually exceed it.

Mr. Seeber replied that the part about fines was echoed by the Governing Board Chair, Mr. Combee, who served on the Polk County Commission when they had an analogous situation. While there was no cash payment to the District as a result of that incident, there was an expenditure of funds by Polk County that was used in lieu of a fine. Mr. Seeber indicated his real concern was with the relationship between the two agencies and our partnership to address water supply in the Tampa Bay Region. Very simply, partners don't fine each other. In response to Commissioner Latvala's question about what to do, he suggested that the Board ask him, the General Counsel, and the Board Chair to meet with their counterparts at the Governing Board to see what pathways to remedies there might be.

Commissioner Latvala thought that was a good idea.

Chairman Sharpe stated that he had a chance to speak with Mr. Moore and it was his sense that the Governing Board appreciated Mr. Seeber's efforts and Tampa Bay Water's efforts as a whole. He went on to note that Hillsborough County's relationship with Tampa Bay Water has improved over the past few months in our efforts to work together. Chairman Sharpe stated that Tampa Bay Water has gone a long way in trying to make it very clear that we are serious about Demand Management and about conservation, and do not take lightly expanding pumping of groundwater. Referring to comments by Ms. Hart (Public Comment) regarding reclaimed, Chairman Sharpe stated that there is a renewed interest in reclaimed. He hoped that Tampa Bay Water, SWFWMD, all the authorities that are responsible for reclaimed, can work collaboratively to define ways to capture more reclaimed. He felt that working to capture the reclaimed that has not been captured would be a very large part of our solution. He encouraged Mr. Seeber to move forward as suggested.

Mr. Seeber confirmed his intention to conduct the suggested meeting with the participation of the Chairman.

Chairman Sharpe felt there was a need to continue the conversation in order for the District to understand that Tampa Bay Water is serious about this and wants to work with them. He also hoped that any expenditure of funds would be used towards a solution and not just some sort of a penalty.

H1a. Configuration II Expansion Projects - Cypress Creek Pump Station – Award Construction Contract No. 2009-061 to the lowest responsive, responsible bidder, Wharton-Smith, Inc., in the amount of \$7,722,000

H1b. Configuration II Expansion Projects - Morris Bridge Booster Station – Award Construction Contract No. 2009-062 to the lowest responsive, responsible bidder, Beach Construction Co., Inc., in the amount of \$2,000,987

H2. Northwest Hillsborough No. 7 Connection Project – Award Construction Contract No. 2009-065 to the lowest responsive, responsible bidder, Stately Contractors, Inc., in the amount of \$1,655,535

Mr. Seeber called upon Mr. Chuck Carden to present three bid awards for Board consideration and action.

Mr. Carden stated that Items H1a, H1b and H2 include recommendations for approval of three construction contracts.

- The first contract, Item H1a, is for the construction of the Cypress Creek Pump Station Expansion Project that is a part of the Configuration II program. This expansion effort will include additional pumping capacity storage, yard piping, electrical upgrades and auxiliary power. The project scope will increase the maximum pumping capacity of Cypress Creek from 150 to 170 mgd and will provide additional operational flexibility. The completion is scheduled for April of 2011.
- The second contract, Item H1b, is for construction of the Morris Bridge Booster Station expansion, also a Configuration II project. This project includes providing additional pumping capacity and associate improvements to maintain a facility capacity of 30 mgd under higher regional system pressures. Chemical feed injection locations will also be modified to allow for better mixing of chloramines. Completion is scheduled for July of 2010.
- The final contract, Item H2, is for the construction of the Northwest Hillsborough No. 7 Connection. Construction will include installation of 2.5 miles of 12 and 24 inch diameter pipe that will connect the existing Northwest Hillsborough No. 7 Well to Tampa Bay Water's raw water transmission main at the Section 21 Wellfield. An emergency interconnect will also be installed to allow treated water from Hillsborough County's Lake Park Water Treatment Plant to be sent into the Regional System. Completion is scheduled for August of 2010.

Mr. Carden noted that the projects were advertised in early February and there was considerable interest, 37 contractors for the three projects. The engineers estimate for the three projects totaled \$19 million and the actual bids totaled \$12.4 million for a comparable savings of \$6.7 million or 35 percent. It is apparent that both Tampa Bay Water and our co-funding partner, the Water Management District, are benefiting from implementation of the Configuration II projects during the current market conditions.

Mr. Carden went onto explain that during the review of the bids for the Morris Bridge Booster Station Expansion, a discrepancy was found in the bid schedule of the low bidder, Beach Construction. The numeric amount of the bid was different than the amount written in words. The amount written in numbers was \$2,987,000. The amount written in words was "Two Million Nine Hundred Eighty-Seven Dollars" and the word thousand was omitted. The bid document's Instruction to Bidders, Article 5.1 states, "Amounts stated in words shall govern in the case of a discrepancy between the amount stated in words and the amount stated in figures." The application of this direction resulted in the recommendation found in Agenda Item H1b. However, based on further legal analyses conducted this weekend, and a finding by the design engineer that the materials in the sub-contract work required for this project are estimated to cost more than the \$2,000,987 staff recommends that the Board waive the portion of Article 5.1 of the bid documents that provides that the amounts written in words prevails over the amounts written in the numbers. Mr. Carden stated that staff is presenting an alternative recommendation to the Board to award the contract to Beach Construction in the amount written in numbers on their cost proposal or \$2,987,000.

In conclusion, Mr. Carden stated that the staff recommendations are to award the construction contracts to the lowest, responsive, responsible bidders for each of these projects but asked the Board for approval to award separately for each one of these item.

Agenda Item H1a - Mr. Carden stated that for Item H1a, staff recommends to award the Cypress Creek Pump Station Contract to Wharton-Smith in the amount of \$7,722,000.

Motion: Commissioner Latvala moved approval. Commissioner Hildebrand seconded the motion. The motion carried by a vote of 7-0 (Commissioner Schrader and Commissioner Seel were absent).

Agenda Item H1b - Mr. Carden stated for Item H1b, staff recommends the Board waive the portion of Article 5.1 of the bid documents that provides that the amounts written in words prevails over the amounts written in the numbers and award the bid for the Morris Bridge Booster Station Contract to Beach Construction in the amount of \$2,987,000.

Motion: Commissioner Latvala moved approval. Councilman Miranda seconded the motion. The motion carried by a vote of 7-0 (Commissioner Schrader and Commissioner Seel were absent).

Agenda Item H2 - Mr. Carden stated that the recommendation for Item H2 is to award the bid for the Northwest Hillsborough #7 Connection Contract to Stately Construction in the amount of \$1,655,535.

Motion: Commissioner Hildebrand moved approval. Commissioner Latvala seconded the motion. The motion carried by a vote of 7-0 (Commissioner Schrader and Commissioner Seel were absent).

11. Status of Regional Water Supplies and Member Demands

Mr. Seeber called upon Dr. Alison Adams to update the Board with regard to the status of Regional Water Supplies and Member Demands.

Dr. Adams began by stating that the Tampa Bay Region remains under a critical water supply shortage driven by a loss of surface water supplies. In spite of the rain received last week across the Tri-County area, drought conditions continue to worsen in the Peninsula of Florida including the Tampa Bay area. It is the continuing nature of this pattern in the Tampa Bay Region that is causing real consequences to the supply situation.

Dr. Adams stated that the cumulative rainfall deficit, the difference between the actual rainfall totals and the long term average rainfall totals in the Hillsborough River Watershed and the Alafia River Watershed, continues to decline. Less than normal rainfall in these watersheds for the past four years is having a profound effect upon surface water supplies.

Looking at the status of supplies, Dr. Adams displayed a graphic depicting the water availability from the Tampa Bypass Canal. The withdrawals in the lower pool are governed by a stage elevation of 9 feet in the lower pool. When the pool stage drops below 9 feet we can no longer withdrawal water from the lower pool. We were able to withdrawal water until the first part of December when the stage dropped below 9 feet. We had to cease withdrawals and remained in that condition until the first part of February. A rain event at the end of January and early February allowed us to withdraw water for a couple of days. An emergency authorization was then received from the Water Management District allowing continued use of the Tampa Bypass Canal until the stage elevation reached a level of 6 feet. This allowed us to continue withdrawing water until the middle of March when we ceased to have sufficient surface water supplies to maintain the Surface Water Treatment Plant.

Dr. Adams displayed a graphic depicting when water from the Alafia River was available for withdrawal. In spite of the fact that we have an emergency authorization to increase the percentage of withdrawal from the Alafia River from 10 percent to 19 percent, since the middle of September we have only been able to withdraw water from the Alafia River on four different occasions. And, as we move into the spring dry season, the surface water availability in the Alafia River continues to decline.

Dr. Adams stated that as of March 12, reservoir storage was insufficient to maintain the minimum production requirements at the Surface Water Treatment Plant. The stage in the reservoir at that time was about 76 feet, with about 200 million gallons of water remaining in it. We are managing the reservoir to maintain a viable habitat for the fish.

With regard to the Desalination Plant, Dr. Adams stated that during February and March Tampa Bay Water and our contract operator continued to complete maintenance and repair activities on the DE filters, transfer feed pumps and replace a blown transformer. Completion of these activities will bring the plant closer to the goal of 4 months of production at 25 mgd to complete the funding agreement production requirements.

Dr. Adams stated that beginning in January several supplemental supply activities were undertaking. She stated that authorization from the Water Management District to lower the middle pool of the Harney Canal to a stage of eight feet has been received. This source of water has allowed us to

continue augmenting the City of Tampa's reservoir as supply sources continue to dwindle. Coordination activities with the member governments continue by working with the members to make sure they are optimizing their self-supply, addressing pressure or water quality issues, coordinating with the members on demand management actions and meeting on a regular basis. Dr. Adams stated that a temporary line has been implemented that allows Tampa Bay Water to bring water from the Brandon Urban Disbursed wells back into the regional facility, allowing full utilization of water from the Brandon Urban Disbursed wells.

Dr. Adams displayed a graphic depicting the location of the Morris Bridge Sink. In 2000 and 2001 the Morris Bridge Sink project was implemented to provide supplemental water supplies to the City of Tampa. Describing the location of Morris Bridge Sink, Dr. Adams noted that the property is owned by the Water Management District. She stated that the District has laid about a mile of pipe on their property from the sink to the upper portion of the Tampa Bypass Canal discharging water into the upper pool. This water flows down to Structure 159 where the District has installed pumps that will pump the water over this into the middle pool. Water in the middle pool is then available for Tampa Bay Water to continue augmenting the City of Tampa's reservoir. Water began flowing on Monday, April 13 at a rate of about 4 mgd. The District is running a 30-day pump test since the Morris Bridge Sink is a Hillsborough River Minimum Flow Recovery Strategy Project and the District needs to determine the sustainable yield of the sink and see if it is a viable source of supply for that project. Once the District completes its 30-day pump test, Tampa Bay Water will continue operating the Morris Bridge Sink pumping facilities until the rains begin in the summer and the City of Tampa's reservoir has recovered.

Dr. Adams' next graphic provided an update of demands, comparing current monthly demands against the previous three years. She focused first on the reduction in demands seen over this current period of time and made a comparison to the previous three years. In January of 2007, the Water Management District declared its Phase II Severe Water Shortage. Prior to January of 2007, the region was not in a water shortage declaration. From January of 2007 to the current time, the Water Management District has increased the imposition of its water shortage phases and last month implemented a modified Phase IV water shortage condition.

Dr. Adams stated that in comparing the demands of March 2006 when there was no declaration of a water shortage to now, there has been a 13 percent reduction in demand in the period from March 2006 to March of 2009, about 37.5 mgd of less demand. Part of that reduction is a result of less active accounts, and some of it is a reflection of rainfall differences. However, some of it is in large part due to the demand management actions that the member governments have had in place over the past several months.

Focusing on the last five to six months, Dr. Adams noted how the variability in rainfall from year-to-year has influenced month-to-month changes in demands. In comparing monthly rainfall amounts from last year to this year, the fact that we have been able to hold the line on demands is really a credit to the demand management actions taken by the member governments. Comparing rainfall to last year, she noted there was considerably more rain in December of 2007 than in December 2008. Additionally, a tremendous amount of rain was received in the months of January, February and March 2008 compared to 2009. The rainfall amounts have been well below normal, but demands across the region have been holding steady, which again is a credit to the demand management actions implemented by the members. Dr. Adams cautioned that it was important for

members to continue their efforts to enforce restrictions and stay focused on conservation and demand management throughout the spring as opportunities for rainfall decrease.

Dr. Adams' next graphic was a ten year comparison of pumpage from the consolidate wellfields. As alternative sources diminish, Tampa Bay Water turns to groundwater sources to meet demands. During the 2000-2001 timeframe, the region experienced a severe drought and high monthly pumpage for about three years. In 2002-2003 alternative water sources were brought on line and there was abundant rainfall, enabling the use of the alternative sources. A drop in demand due to the rainfall was also experienced causing the 12-month running average of wellfield pumping to drop and allowing us to achieve the goal of 90 mgd well before the regulatory compliance deadline.

Dr. Adams stated that another period of less than normal rainfall was then experienced, along with unprecedented growth in the region. Demand rose and groundwater pumping increased but not to the extent of the previous years. Then in the early part of 2008, the desal plant came on line allowing us to lower groundwater pumpage to meet the 90 mgd compliance limit at the end of the calendar year.

Dr. Adams stated that, as in 2000/2001, our surface water sources are exhausted and we must turn to groundwater in order to meet demands. However, with the return to rainfall this summer, we expect to return to reliance upon surface water and return to the 90 mgd 12-month running average permit requirement.

Next Dr. Adams provided a comparison of the anticipate groundwater production for the spring of 2009, March through June, with production for the period back to 1999. While the expected groundwater production this spring is higher than last spring, although the rainfall differences are profound, we are still within the range of wellfield pumping experienced both before and after the alternative sources were placed on line.

Dr. Adams concluded with an outline of next steps:

- Continue meeting demands using all of available supply sources
- Conduct the May 5 Regional Water Shortage Management Workshop
- Continue with supplemental supply activities
- Continue Demand Management activities with the District and the member governments
- Provide regular updates to the Board and the District.

12. C.W. Bill Young Regional Reservoir – Flat-Plate Soil-Cement Investigation Program and Short-term Repair Plan for FY 2009 - *Status Report*

Mr. Seeber called upon Mr. Jon Kennedy to update the Board regarding activities at the Regional Reservoir facility as we continue to address this issue.

Mr. Kennedy began his update on the short-term reservoir repair program, stating that the long-term reservoir fix will be presented in a workshop format at the June 15 Board Meeting. He referred the Board to a photo of an injection hose for low pressure grouting under the soil-cement flat-plate which is part of the short-term repair efforts.

The next graphic was a cross section of the reservoir. He stated that the embankment is over 300 feet wide, the length of a football field at the northern end, which is the deepest part of the facility. The area of interest is the soil-cement flat-plate on the interior facing of the reservoir, and in the soil wedge that is underneath the flat-plate.

Explaining that the diagram represented just a slice of the reservoir, Mr. Kennedy stated that the scope of the reservoir is very large; one trip around the entire reservoir is five miles. The amount of soil-cement in the flat-plate and the soil wedge underneath is very substantial. The short-term repair program involves working on the flat-plate and in the soil wedge beneath, in the areas damaged by the drawn down cycles of 2007, 2008 and 2009. The long-term fix however, will need to resolve, in an acceptable manner, the entirety of this five mile distance.

Mr. Kennedy stated that the purpose of the short-term program is twofold: (1) regain use of the full volume of the reservoir for water to be stored this season; and (2) to make best efforts to comply with the 90 mgd water use permit issued on the wellfields. The reliability of the reservoir and our ability to meet wellfield pumping limits in the long-term are very much linked.

Next the short-term repair process was reviewed. Mr. Kennedy stated that onsite tests of short-term repair methods were completed in December. The results of those short-term tests were shared with the Florida Department of Environment Protection (FDEP) in January. After gaining FDEP's concurrence on the technical validity of the short-term repair approach, crews were deployed February to implement the repairs. The short-term repairs are on schedule to be ready to receive summer rains, upon receipt of DEP's concurrence in June to fill the facility to its full capacity this summer. Mr. Kennedy stated continued monitoring of the performance of this year's short-term repairs will be needed to gauge their effectiveness and guide the next round of short-term repairs for the next draw down cycle.

Mr. Kennedy explained that the short-term repair program is more than filling cracks from the surface. That approach was taken 2007 and 2008 and was not sufficient since those repairs did not hold. The 2009 short-term program is more rigorous with up-front work to identify and map locations scheduled for repairs followed by pressure grouting along with joint and other miscellaneous repairs.

Mr. Kennedy reviewed with the Board the manner in which the short-term work was being undertaken:

- First a determination is made of the areas that need to be surveyed for the short-term repairs this year which includes all of the known areas of damage and a little beyond each of those damaged areas to make sure that all of the known areas of concern are being captured. The area of survey added up to approximately one third of the flat-plate.
- The second step is to establish a grid for the areas to be checked by ground penetrating radar. Lines are established on the surface of the flat-plate parallel to the water line and 5 feet apart along the soil cement throughout the areas of concern.
- Third, ground penetrating radar is taken across the entire survey grid on the lines.

- Fourth, a map is made of the surveyed grid and the results of the ground penetrating radar are added to the map. Sample cores are taken of the soil-cement to verify that what we are reading with the ground penetrating radar corresponds to areas that need to be addressed.
- Fifth, low pressure grouting and other physical repairs are performed.

Mr. Kennedy stated that progress on the short-term program for the footage to be grouted is approximately 40 percent complete, and approximately 60 percent complete for the joint and bench repairs. The surface crack filling will start as soon as the joint and bench repair work is complete, late this month or early in May. The estimated short-term repair costs, based on the progress to date, continue to be approximately \$2 million for the contractor's activity and for the field supervision services of that contractor. Mr. Kennedy stated that the schedule for completion continues to be June 1 of the current cycle of short-term repairs.

In summary, Mr. Kennedy stated that work continues to (1) restore full operating volume of the reservoir through the short-term repair program, and (2) develop a permanent fix for the long-term. The current focus is the short-term program which is scheduled to be complete in time to get FDEP authorization to refill the reservoir before the summer's rains begin. However, the short-term repairs are just that; beyond that, a long-term fix to the problem is needed.

For the long-term fix, Mr. Kennedy stated that collection and analysis of information for the development of possible solutions continues. The estimate of schedule and duration of the work effort to complete a long-term fix extends through several years. The final selection of the schedule for the long-term fix must minimize the number of fill and drawdown cycles that will be affected by the long-term fix. The long-term viability and reliability of the reservoir to be used at its intended draw down rates is critical to our ability to meet the 90 mgd water use permit.

In conclusion, Mr. Kennedy stated that the current round of investigations is being completed and the findings will be presented to the Board in June.

Chairman Sharpe referred to comments made by Ms. Bacca (Public Comment) in reference to the cracks and about possible structural damage to the entire facility. He asked if damage to the facility would in any way endanger the citizens. Mr. Kennedy responded that there is no danger to the citizens as result of the problems experienced at this facility to date.

Having been assured of that a number of times, Chairman Sharpe stated that looking at the maps these seem to be surface cracks and it doesn't appear that the actual cracks would in any way challenge the integrity of the system. Mr. Kennedy replied that was is correct, the embankment was safe.

J1. General Manager Annual Evaluation

Moving to Agenda Item J1 the General Manager's Annual Evaluation, Chairman Sharpe stated that he had the opportunity to both solicit and receive a number of evaluation reports from Board members with regard to the performance of the General Manager for his first year in this position. He stated that the comments were almost entirely very positive. Based upon his contract, Mr. Seeber's compensation was adjusted March 1 consistent with the average adjustment received by

senior management staff of the agency for the prior year. Chairman Sharpe thanked Mr. Seeber for what he considered to be a super job for his first year. He felt the Board was very pleased with Mr. Seeber and that feeling was shared by those at SWFWMD.

K. Receive & File


Motion: Commissioner Latvala moved approval of Receive & File. Commissioner Hildebrand seconded the motion. The motion carried by a vote of 7-0 (Commissioner Schrader and Commissioner Seel were absent).

L1. A Special Attorney/Client briefing session between the Tampa Bay Water Board of Directors and legal counsel pursuant to Section 286.011(8), Florida Statutes, to discuss possible litigation expenditures and/or settlement negotiations in Tampa Bay Water v. HDR Engineering, Inc. et al., Case No: 8:08CV2446T27 TBM, United States Middle District Court of Florida, Tampa Division, will be held at the conclusion of the Regular Board Meeting

The Board convened an Attorney/Client Briefing Executive Session at 10:47 a.m.

Adjournment:

Following the conclusion of the Executive Session on litigation regarding the reservoir, the Board adjourned at 11:55 a.m.

Attest: 
Gerald J. Seeber, Secretary

Date: June 15, 2009