

**LAKE COUNTY WATER AUTHORITY
REGULAR MEETING ANNOUNCEMENT AND SUMMARY AGENDA**

December 16, 2009 – 3:30 p.m.

Lake County Administration Building

**2nd Floor - County Commission Chambers
315 West Main Street, Tavares, FL 32778**

- 1. Call to Order / Pledge of Allegiance**
- 2. Approval of Minutes – Regular Board Meeting of November 18, 2009**
- 3. Election of Officers**
- 4. Executive Director Report**
- 5. Discussion Items Presenter**
- a. Harris Chain Restoration Council Funding Issues Michael Perry**

During the Public Comment period at the November 18, 2009 regular Board meeting, Skip Goerner requested that the Harris Chain of Lakes Restoration Council (HCRC) be given oversight of the \$40,000 for administrative costs held by the Water Authority. Chairman Fullerton wanted this request discussed further at the December meeting.

The HCRC was created in accordance with Chapter 2001-246, Laws of Florida. The council members shall serve as advisors to the governing board of the St. Johns River Water Management District and shall have the powers and duties to:

- a) Review audits and all data specifically related to lake restoration techniques and sport fish population recovery strategies, including data and strategies for shoreline restoration, sediment control and removal, exotic species management, floating tussock management or removal, navigation, water quality, and fish and wildlife habitat improvement, particularly as they may apply to the Harris Chain of Lakes;
- b) Evaluate whether additional studies are needed; and
- c) Explore all possible sources of funding to conduct the restoration activities.

The law further stipulates that the St. Johns River Water Management District shall provide staff to assist the council in carrying out the provisions of this act.

In previous years the HCRC utilized an outside contractor to take meeting minutes and to produce the HCRC's Annual Report in accordance with the law. The cost of this service was

approximately \$23,000. A portion (approximately \$10,000) of this cost was paid for by the SJRWMD and the balance was paid for by the Lake County Water Authority. For this current fiscal year, the District has determined that they will provide the administrative support to the HCRC by utilizing District staff from the Altamonte Springs office and hire an outside individual with an environmental background to produce the HCRC's Annual Report. It is the District's opinion that they can provide adequate support to the HCRC within the \$7,500 the District has budgeted in FY 2009-2010 and as such, the Water Authority would not need to contribute for the administrative support of the HCRC. There is an existing \$40,000 purchase order with the District to accommodate any transfer of funds from the Water Authority to the District on behalf of the HCRC. Staff would recommend that this purchase order be cancelled.

The Lake County Water Authority has included \$40,000 in its FY 2009-2010 budget to support the HCRC. Since the HCRC's inception, the Water Authority has paid on average less than \$20,000 of which most of the funding was used to pay for the administrative contractor. If the District has the administrative costs covered, the Water Authority's funds could be available for other needs of the HCRC.

To utilize the funds, staff would recommend that the HCRC take an action, which must be reflected in their minutes, and the HCRC then makes a request to the LCWA for the funding. Presently, the Water Authority Board has authorized the Executive Director to approve transactions that do not exceed \$10,000. Staff would further recommend that the Water Authority Board have more control of these funds and as such only authorize the Executive Director to approve expenditures on behalf of the Harris Chain of Lakes Restoration Council that do not exceed \$2,500, only if the expenditure is approved by the Harris Chain of Lakes Restoration Council and reflected in their minutes. Any expenditure above \$2,500 would require approval by the Water Authority Board of Trustees.

Executive Director Recommendation:

- 1) Cancel the existing purchase order with the SJRWMD related to the Harris Chain of Lakes Restoration Council; and
- 2) Authorize the Executive Director to approve expenditures on behalf of the Harris Chain of Lakes Restoration Council that do not exceed \$2,500, only if the expenditure is approved by the Harris Chain of Lakes Restoration Council and reflected in their minutes. Any expenditure above \$2,500 would require approval by the Water Authority Board of Trustees.

b. Request to Purchase LCWA's Sawmill Lake Parcel Patricia Burgos

The Lake County Water Authority received a letter dated September 25, 2009 from Dr. Luis Katz regarding a 20-acre parcel owned by the Water Authority. The enclosed map shows the lake property in question immediately adjacent to Dr. Katz's property on Sawmill Lake. In the letter, he requests the opportunity to acquire the Sawmill Lake Property, Alternate Key #1812852.

On November 13, 1990 the 20-acre Sawmill Lake Property was donated by Quit-Claim Deed to the Water Authority by Ms. Helen Hutt. In the letter sent by Will Davis, LCWA Executive Director, he addresses the concerns expressed by Ms. Hutt regarding the future use of the property. According to the correspondence and the Quit-Claim Deed the Sawmill Lake property was donated with

restrictions. The paperwork indicates that “The use of the property conveyed herein is restricted to conservation and preservation purposes only and the property is not to be used for business, commercial, agricultural, residential or any other purpose inconsistent with the nature of a conservation or preservation area...” When staff spoke to Dr. Katz, he understood the above restrictions and if he were to purchase the property, he said that he would agree to abide by the conservation & preservation restriction.

Although the Board could make the sale of this property contingent upon the new owner’s agreement that the property use would be restricted to “conservation and preservation purposes only” there are other issues the Board might consider:

1. Opening up the sale to other potential bidders that live on the lake or are adjacent to the parcel in question;
2. Upon the sale of the property, what is the responsibility of staff to make sure that the property continues under the conservation & preservation covenant;
3. If the conditions of the sale are violated, what are the options for the Water Authority; and
4. Public perception concerns associated with current and future donations made by citizens to the agency.

Executive Director’s Recommendation

Deny the request made by Dr. Luis Katz to purchase the 20-acre Sawmill Lake Property.

c. Review of New Office Floor Plan, Elevations & Site Plan Ron Hart

As authorized by the Board, the Executive Director executed a contract with KZF at the end of May 2009 to design a new office building for the Lake County Water Authority. The office was to be located at Hickory Point between the entrance and the soccer fields along Highway 19. Staff has been working with KZF through numerous drafts to reach the documents currently being provided to the Board. Staff has attached the proposed Floor Plan, two choices for the exterior elevations, and the proposed site plan for the Board’s review.

The Floor Plan was designed to meet the needs of staff and the comfort of the public without any significant increase in overall area. The lobby is slightly larger to allow more area for the public and visitors. The new conference room is similar in size to the old one except the new one has significant storage area. The file and work room is increased to allow for work space particularly for viewing large documents like blueprints or for putting together the Board’s notebooks. The offices are slightly larger than the old ones; however, some are the same size or are smaller when the space is not necessary for the position. The new office has a separate mud room and shower for staff to clean up before entering the rest of the work space. The hallway area was able to be dramatically reduced. The new office has one central hall as opposed to the old building that has essentially two halls in a loop. The new design cuts the hall space in half and allows for the increases in the working areas.

The exterior elevations are based on the craftsman style, as recommended by the design firm, and will match the existing character of Hickory Point. The first option incorporates the craftsman style columns and stone work on the front and side entrances of the building. The second elevation reduces cost by eliminating the stone work, simplifying the columns, and changing the windows to single hung with one large pane of glass. KZF estimates that the difference between the two designs cost approximately \$30k to \$40k.

The site plan utilizes the existing access point to Hickory Point from Highway 19. Staff proposes the building be situated to face the highway frontage. Parking for the public will be on the east side near Hwy 19. Signs will be utilized to direct the public to the front entrance of the building. The existing entrance for late pickup at the soccer fields would be modified to also serve as the entrance for the new office. Signs at the intersections will once again direct the public to the right location.

Executive Director’s Recommendation:

Authorize staff to finalize the floor plan, elevations, and site plan with the changes as directed by the Board and submit the revised site plan and supporting documents to the County for review.

d. Results of 2009 Benthic Invertebrate Monitoring

Ron Hart

The Lake County Water Authority (LCWA) began a macroinvertebrate sampling program several years ago to provide staff with a means of assessing biological condition within the lakes. A specific indicator known as the Lake Condition Index (LCI) has been accepted by state and federal agencies as a method to quantify ecosystem health and identify impairment in Florida lakes.

To ensure that the collection of data is consistent, each lake has a scheduled time of the year for its sampling date. This allows comparison of not only the final LCI scores (for statistical significance) but also changes in the population of macroinvertebrates within these individual waterbodies as they respond to environmental influences (degradation or improvements).

Last December, the Board authorized funding for the benthic invertebrate sampling program on the Clermont Chain. The data collected from the program was used to calculate the LCI and compared with the previous year’s data. The following lakes were sampled as part of this contract:

- Lake Louisa (2 sites)
- Lake Minnehaha (2 sites)
- Lake Minneola (2 sites)

Former employee, and current contractor, Sandi Hanlon-Breuer will update the Board on the results of this year’s sampling.

Executive Director’s Recommendation:

For information purposes only. No action required.

e. Authorization to Revise FMLA Policy

Michael Perry

The Lake County Water Authority has tried to keep its Policies and Practices Employee Manual consistent with the personnel policies of the Lake County Board of County Commissioners. A recent personnel issue has identified an area where the Water Authority Board may want to revise a policy and not be consistent with the BCC.

The issue is related to Section 28 - Family/Medical Leave Policy. The purpose of this section is to grant employees a leave of absence under certain allowable conditions. The policy would

grant up to twelve (12) weeks of family and medical leave over a rolling 12-month period, to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid, unpaid or a combination of paid and unpaid, depending on the circumstances and as specified in this policy.

The FMLA law is required to be followed for large employers (50 or more employees) of which the County qualifies, however the Water Authority does not. The Water Authority has had occurrences where an employee was required to be on an extended medical leave and the Water Authority staff applied the policy as we knew it. Recently an employee had to go on an extended medical leave and while reviewing the issue with the labor attorney, it was determined that the procedures we were following had been revised. The labor attorney stated that unless you stay on top of all of the revisions and follow all of the noticing requirements to the employee and other detailed procedures, an employer could “get in trouble” with the Federal government. Because the Water Authority Board of Trustees has adopted the Policies and Practices Employee Manual with a FMLA policy, staff must abide by it.

Since, however, the Water Authority does not employ 50 or more employees, the agency could revise the Policies and Practices Employee Manual to remove the reference to FLMA and avoid the potential problems and pitfalls related to the technicalities of the FMLA law. Staff would recommend that it be allowed to develop an extended leave policy for the agency to replace the FMLA criteria and still provide for a qualified extended leave such as major medical, maternity leave, etc. which would need to be defined in any subsequent policy.

Executive Director’s Recommendation:

Revise the Lake County Water Authority’s Policies and Practices Employee Manual to remove Section 28 - Family/Medical Leave Policy immediately and direct staff to develop a replacement extended leave policy to be approved by the Board at a future meeting.

f. License Agreement for Bugg Springs Building

Patricia Burgos

The seven-acre Bugg Springs property and building were donated to the Water Authority in 1999 by the United States Department of the Interior as part of their “Federal Lands to Parks” program. The building is 20’ width by 18’ height by 200’ length.

Five (5) years ago, the staff was approached by staff from the Lake County Emergency Management requesting space in the Bugg Springs Building for emergency supplies and equipment. It was around the time of the hurricanes and Water Authority staff wanted to assist the County in its efforts. Recently, however, there was a leak in the roof that affected the emergency supplies and discussion then began regarding having a more formal agreement delineating the responsibilities of Lake County and the Water Authority.

According to the agreement, Lake County would assume liability responsibility for their staff when on-site & their equipment, they would maintain the office where the supplies are stored, and would pay for the building’s electricity. Water Authority would maintain the larger building and the grounds around the building.

Executive Director's Recommendation

Authorize the Executive Director to execute the Bugg Springs Building License Agreement with Lake County.

6. **Public Comment (5:00 p.m. or as soon thereafter as possible)**

7. **Legal Staff Report**

8. **Action Items**

a. **Approval of FFWCC Funding Agreement for
Beauclair Restoration**

Lance Lumbard

The LCWA has been cooperatively planning a Lake Beauclair restoration project with the Florida Fish and Wildlife Conservation Commission (FFWCC) since early 2000. The preliminary project design has been revised on numerous occasions but the main objective to remove approximately 1.4 million cubic yards of resuspendable nutrient-laden sediment from Lake Beauclair remains. With the additional assistance of the St. Johns River Water Management District, the LCWA has identified a suitable site for relocation of the sediments and is now in the final phases of designing and permitting the project.

The FFWCC shares the LCWA's commitment to the restoration of Lake Beauclair and is providing the contract for \$1,000,000 to assist in project implementation. This contract will be valid through June 30, 2015 and is not tied to a proportion of the total cost or a minimum match. The contract excludes reimbursement for any canal maintenance work performed.

Executive Director Recommendation:

Authorize Executive Director to execute the *Cooperative Agreement Florida Fish and Wildlife Conservation Commission and Lake County Water Authority Lake Beauclair Restoration Project* for an amount not to exceed \$1,000,000.

b. **Approval to Add BCI Engineers & Scientists, Inc. to
List of General Engineering Services Contractors**

Michael Perry

In December 2008, the Board authorized staff to release a Request for Qualifications (RFQ) to select firms to perform General Engineering Services. The RFQ was released on March 13, 2009 and 36 firms responded.

A technical review team (TRT) comprised of Michael Perry, Ron Hart, Patricia Burgos, and Mary Hamilton (Lake County Stormwater Manager) reviewed each submittal and met to discuss the firm's strengths and weaknesses. After thorough consideration, the TRT recommended that the Board authorize staff to negotiate Continuing Contracts with the following firms: Mactec, PBSJ, Dredging Marine Consultants, and BESH.

Two large firms, Mactec and PBSJ, were selected because of their demonstrated ability to provide a large number of highly qualified technical staff with a wide variety of professional disciplines. Dredging Marine Consultants is a relatively small firm that was selected because of its experience in dredging, boat ramps, docks, and seawalls. BESH was selected as a small local firm that could

handle smaller to mid-sized projects. After the review of the scoring and the potential need of BCI personnel due to their history with existing projects, staff desires to add BCI Engineers and Scientists, Inc. to the list of General Engineering Services Contractors.

The Board is in no way obligated to utilize any of these firms for these types of projects and may decide to advertise for additional firms on any individual project.

Executive Director's Recommendation:

Authorize the Executive Director to add BCI Engineers and Scientists, Inc. to List of General Engineering Services Contractors.

9. Board Member Comments

10. Board Member Items for Future Agenda

11. Information Items

a. Staff Report

b. Monthly Financial Reports – November 2009

12. Announcement of Upcoming Meetings and Events

- Board Meeting – Wednesday, January 27, 2010 (3:30 pm (BCC Chambers/
Admin. Building

13. Adjournment