

NOTICE OF OPEN MEETING

Notice is given that a **Regular Meeting and Public Hearing** of the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held in the District office, 1124 Regal Row, Austin, TX, on **Thursday, September 11, 2014**, commencing at **6:00 p.m.** for the following purposes, which may be taken in any order at the discretion of the Board.

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code Sections §551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

1. **Call to Order.**
2. **Citizen Communications (Public Comments of a General Nature).**
3. **Routine Business.**
 - a. **Consent Agenda.** *(Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as a separate item of Regular Business on this agenda.)*
 1. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000. **Not for public review**
 2. Approval of minutes of the Board's August 28, 2014, Regular Meeting. **Not for public review at this time**
 3. Approval of the effectiveness of Directors' communications with stakeholders and constituents for the 4th Quarter FY 2014 per the collective judgment of the Board, as required by the District's Management Plan. **Pg. 13**
 - b. **General Manager's Report.** *(Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will not take any action unless the topic is specifically listed elsewhere in this agenda.)*
 1. **Standing Topics.**
 - i. Personnel matters and utilization
 - ii. Upcoming public events of possible interest
 - iii. Aquifer conditions and status of drought indicators
 2. **Special Topics.** *(Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.)*

- i. Review of Status Update Report – at directors’ discretion **Pg. 16**
- ii. Update on activities related to GMA and regional water planning
- iii. Update on efforts to characterize the saline zone of the Edwards Aquifer
- iv. Update on status of area roadway projects
- v. Update on the status of the City of Kyle’s remanded permit application

4. Public Hearing (6:15)

The Board will hold a Public Hearing the proposed draft Habitat Conservation Plan (HCP) that has been developed in support of a prospective application for an Incidental Take Permit (ITP) from the United States Fish and Wildlife Service. The proposed HCP includes measures necessary to avoid, minimize, and mitigate potential adverse effects or “take” of the endangered Barton Springs salamander (*Eurycea sosorum*) and Austin blind salamander (*Eurycea waterlooensis*) associated with District-permitted withdrawals of groundwater from the Barton Springs segment of the Edwards Aquifer.

5. Discussion and Possible Action.

- a. Discussion and possible action related to approval of the proposed Draft HCP for final editing and submittal to the USFWS in support of an ITP from the United States Fish and Wildlife Service. **NBU**
- b. Discussion and possible action related to authorizing the general manager to negotiate and the acting Board President to execute a contract with a technical editor to provide non-substantive editing of the HCP in support of preparation of the ITP application. **Pg. 23**
- c. Discussion and possible action to authorize Phase V of the contract with Holland Groundwater Management Consulting to support preparation of the ITP Application and other related tasks. **Pg. 25**
- d. Discussion and possible action related to selecting a first-choice firm to begin negotiations on a contract to provide legislative consulting services for the upcoming legislative session. **Pg. 30**
- e. Discussion and possible action related to a minor amendment application filed by Cornerstone HTJ, LLC (Mr. and Mrs. Jones) to increase the permitted volume from 490,000 gallons/year to 980,000 gallons/year to withdraw from a Middle Trinity Aquifer multi-user well to include an additional property located a 209 Ashworth Dr, Rollingwood, Texas for residential irrigation. **Pg. 39**

6. Adjournment.

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the _____ day of September, 2014, at _____ .m.

_____, Deputy Clerk

Travis County, TEXAS

Please note: This agenda and available related documentation have been posted on our website, www.bseacd.org. If you have a special interest in a particular item on this agenda and would like any additional documentation that may be developed for Board consideration, please let staff know at least 24 hours in advance of the Board Meeting so that we can have those copies made for you.

The Barton Springs/Edwards Aquifer Conservation District is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal opportunity for effective communications will be provided upon request. Please contact the District office at 512-282-8441 at least 24 hours in advance if accommodation is needed.

Item 1

Call to Order

Item 2

Citizen Communications

Item 3

Routine Business

a. Consent Agenda

Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as an item of Regular Business.

- 1. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**
- 2. Approval of minutes of the Board's August 28, 2014, Regular Meeting.**
- 3. Approval of the effectiveness of Directors' communications with stakeholders and constituents for the 4th Quarter FY 2014 per the collective judgment of the Board, as required by the District's Management Plan.**

FY 2014
4th Quarter
Director's Reports

June 12, 2014

Ms. Stone reported the following:

Will attend the TAGD Summit in August.

Reported more homeowners in Leisurewoods subdivision Xeriscaping their yards and putting in Rainwater Harvesting Systems.

Mr. Dorsett reported the following:

Attended the Creedmoor Maha WSC Board meeting
Met with Creedmoor Maha in regard to a letter from the City of Austin

Mr. Smith reported the following:

Attended the Regional Water Quality Protection Plan Working Group meeting on May 30th

Dr. Larsen reported the following:

Met with the Onion Creek Country Club management regarding wastewater
Attended a meeting with Texas Disposal Systems
Attended the Water Trust Conference on ASR and Desalination
Was a Delegate at the convention in Fort Worth

July 24, 2014

Mr. Dorsett reported the following:

Mr. Dorsett attended meetings with Creedmoor Maha WSC

Dr. Larsen reported the following:

Dr. Larsen attended meetings with staff and the Onion Creek Club

August 28, 2014

Ms. Stone reported the following:

Attended the TAGD Summit
Subcommittee meeting on SH45
Spoke to a developer on a 2000 home development coming to Hays County

Mr. Dorsett reported the following:

Attended the Creedmoor Board meeting
Delivered drought material to permittees within his District

Mr. Smith reported the following:

Met with State Representative Isreal
Met with two of the Austin Mayor candidates

Dr. Larsen reported the following:

Attended the TAGD Summit
Met with Austin Mayoral candidates
Met with Onion Creek HOA
Attended a meeting on a possible Flood Control District
Attended the Public Hearing on proposed State Highway 45 SW
Meeting on TxDOT draft EIS

Item 3

Routine Business

b. General Manager's Report. Note: Topics discussed in the General Manager's Report are intended for administrative and operational information-transfer purposes. The Directors will not deliberate any issues arising from such discussions and no decisions on them will be taken in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.

1. Standing Topics.

- i. Personnel matters and utilization**
- ii. Upcoming public events of possible interest**
- iii. Aquifer conditions and status of drought indicators**

2. Special Topics. (Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.)

- i. Review of Status Update Report – at directors' discretion**
- ii. Update on activities related to GMA and regional water planning**
- iii. Update on efforts to characterize the saline zone of the Edwards Aquifer**
- iv. Update on status of area roadway projects**
- v. Update on the status of the City of Kyle's remanded permit application**

STATUS REPORT UPDATE FOR AUGUST 14, 2014, BOARD MEETING

Prepared by District Team Leaders

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
GENERAL MANAGEMENT TEAM				
	John Dupnik			
	JD	05-Sep-14	Meetings, Training, Presentations, and Conferences	External Meetings Attended: With Kevin Connolly (USFWS), with Chris Herrington (City of Austin); TAGD quarterly business meeting. Other Meetings: Roy Frye with Hicks and Co. (Con call). Presentations: None; Conferences: TAGD groundwater summit
Summary of Significant Ongoing Activities	JD	05-Sep-14	Ongoing Special Projects, Committees, and Workgroups	Ongoing Special Projects: Revising Seiler's Disclosure Notices; TDS saline zone investigation/alternative saline zone access agreement; HCP/ITP application preparation; SH 45 EIS review; TxDOT supplemental agreement; TWDB saline zone grant; RFP for legislative support services; City of Kyle Rehearing; GMA 10 nonvoting advisory committee framework; track Wimberley and Dripping Springs TPDES permit applications; Committees and Workgroups: Region K, voting member; GMA 10, voting member; Regional WQ Plan workgroup; TAGD legislative subcommittees on Brackish groundwater, Permitting, and ASR; Texas Desalination Association Brackish groundwater committee; Region K committee on Legislation and Policy; Region K strategy prioritization committee.
	JD	05-Sep-14	Routine Activities and Day-to-Day operations	Routine Activities/Day-to-Day Operations: provided general oversight of staff incentive projects and activities, and oversight of day-to-day operations; approved purchase orders and expenditures; approved timesheets; prepared agendas and backup for and attended Board meetings; prepared GM report and summary notes of meetings and assigned tasks in response to Board commitments; held regular one-on-one meetings with Team Leads; presided over Planning Team meetings; supervised permitting and regulatory compliance staff and duties. Consultation with Attorney on: Consent Decree supplemental agreement; legislative support RFP; unpermitted irrigation well; Other Activities: complete staff performance evals; election activities (ballot drawing); HCP public comments; prepare HCP presentation; finalize Hicks contract amendment; coordinate legislative support solicitation/interview scheduling; review of ASR bill; prepare for special-called meeting on SH45 EIS review; prepare order for Kyle hearing; FY 14 Goals assessment; prepare GM performance evaluation materials for Board.
GENERAL SERVICES TEAM				
	Dana Christine Wilson			
Banking - Conversion Update	DCW	05-Sep-14	Conversion from Citibank to BB&T.	Transition/conversion process is going smoothly (so far). We are now in the process of applying for waiving of bank fees for transactions by changing our account type back to Public Fund Interest Checking. Also waiting for new checks, deposit slips.
Banking - TexPool	DCW	05-Sep-14	TexPool Capital account has now been closed (Board approved 7.24.14).	The funds (\$213,467) have been transferred into the TexPool Contingency account
Budget	DCW	05-Sep-14	Annual Budget 2015	Fee Schedule and Budget approved at 7.24.2014 board meeting and in process of being entered into the accounting system.
Elections - General	DCW	05-Sep-14	Pct 5 election has been cancelled. (August 18 was the last day a candidate can file for a place on the ballot.)	Election has been called as of July 24, 2014. Currently working on Travis County Elections Services Agreement (Joint Election Agreement to be forthcoming). On September 10th, I will be at the Travis County Courthouse for final ballot proofing.
Financial Reporting - Website	DCW	05-Sep-14	Most current, available financial reports are posted.	Transaction Detail by Account, Balance Sheet, and Profit and Loss Statement through July 31, 2014.
HCP	DCW	05-Sep-14	Document editing/proofing.	As document becomes available during different phases of the process.
Records Management, Storage, and Retention	DCW	05-Sep-14	Storing into file boxes FY 2014 records for their appropriate retention periods.	Continuing through the audit.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
REGULATORY COMPLIANCE TEAM				
	John Dupnik			
Ladybird Montessori	JD, KBE, VE	05-Sep-14	Justin and Nikki Foster (Ladybird Montessori School)	Mr. and Mrs. Foster also submitted an application for an Edwards Class C Conditional Permit. The application has been deemed administratively complete.
Possible Unauthorized withdrawal	JD, KBE, VE	05-Sep-14	Edwards Agricultural Irrigation Well	District staff started receiving calls about a landowner irrigating in the middle of the day off Bliss Spillar road. Staff went to investigate and confirmed the Willie Ranch Partnership is irrigating Coastal Bermuda hay that is being sold. Staff is working with the landowner and have asked that they try to stop irrigating in the middle of the day until we can resolve the issue and figure out a path forward.
City of Buda	JD, KBE, VE	05-Sep-14	Test well - New Edwards PWS well	The City of Buda submitted a test well application. The City plans to drill approximately 4 test wells in the Garlic Creek area to determine a location for a new PWS well for their aggregate system. There will not be an associated production permit/amendment: not requesting an increase in permitted pumpage.
Drought Management	JD, KBE, VE	05-Sep-14	Drought Compliance Monitoring and Enforcement	Board of Director declared Stage II Alarm drought on August 14, 2014. No enforcement will be initiated for non-compliance in initial month of Alarm Stage Drought since timing does not allow for full month. September will be the first full month of declared drought and the first month of monthly compliance assessments. Therefore, the District will be assessing compliance with the monthly pumpage limits for September in early October when the monthly pumpage reports are due.
Wildflower Center	JD, KBE, VE	05-Sep-14	Middle Trinity Well	A production permit application has been submitted and they and recently submitted additional materials and information: staff is currently reviewing.
Industrial Asphalt	JD, KBE, VE	05-Sep-14	Middle Trinity Well	District staff sent WPAP modification comment letter to TCEQ and had a meeting with TCEQ staff to discuss. Options for using the observation well (the original production well) as the designated production well and to schedule a more thorough inspection of the well and quarry were also discussed. Staff needs to follow up with Tommy Matthews and Doug Wilcox to determine next steps forward.
Lonestar Soccer Club	KBE	05-Sep-14	Historic Freshwater Edwards Permit	A PUD is going in at the location of Lonestar Soccer Fields off W. Stassney Lane. Lonestar Soccer club holds an historic Edward permit for 12 M gallons a year. COA planning department and the developer informed staff that there is a note in the ordinance that states "use of the existing water well on Lot 2 will cease and the historic pumping permit will be retired when it is no longer being used for the soccer fields". District staff has been in contact with Milestone Builder (new owners) about plugging the well and retiring permit. Staff expects a plugging application and change of owner application any day now . Once retired, 12 M gallons of historic Edwards willgo towards the General Conservation Permit and is included in the Ecological Flow Reserve.
Estancia Hill Country Development	KBE, VE	05-Sep-14	Middle Trinity Well	The developers of the Estancia Hill Country development (135 and Old San Antonio Rd) have submitted an application to drill and produce from a Middle Trinity well for landscape irrigation.
Farmland Operating Company - David Trotter	JD, KBE, VE	05-Sep-14	Middle Trinity Well	Mr. Trotter sold the "undeveloped" lot where the well was drilled to his neighbors (Teresa and Hunter Jones) in early July just as the well was being completed. The property is under Cornerstone LLC. Mr. and Mrs. Jones have submitted a minor amendment application to increase the permitted volume to include their landscaping. The well is still permitted as a multi-user well and Mr. Trotter will be using the well and his allocated volume. The application is administratively complete.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Current Active Applications	JD, KBE, VE	05-Sep-14	Joseph Burke NDU; Darla and Chad Garret- NDU; Joe Villafraanca- NDU, Ramon Quesada - NDU;	All other applications are not administratively complete and are currently under review.
EDUCATION & OUTREACH				
Hydro Zone and Saline Boundary	RG, BH	04-Sep-14	Boundary refinements	Dye trace results and hydrogeochemical analysis support refinement of the Hydro Zone boundaries. A thorough review and recompilation was performed and now a final draft is available for use and discussion. Contributing Zone compiled from Onion Creek, Barton Creek, and Blanco River watersheds; Bee Creek watershed added from TCEQ Edwards Aquifer Administrative Boundary dataset; Recharge Zone extracted from TCEQ Edwards Aquifer Administrative Boundary dataset; Confined Zone modified from TWDB Major Aquifers, Edwards Aquifer subcrop dataset and clipped by modeled 1,000 TDS boundary; Saline/Freshwater interface modified using TDS measurements of wells and extended to western edge of Carrizo.
Village of Western Oaks Karst Preserve	RG, AA	04-Sep-14	Karst Cleanup and Maintenance planning	Robin met with the event organizer to help target potential projects for the Oct. 18 Cleanup Event. The HoA is sponsoring the event and plans to do trail work and tree trimming. Several of the kiosks need to be replaced. A medical center is going in adjacent to the preserve and additional information/education is an important part of ensuring proper use of the Preserve. Alan will help with the event & we have offered to help replace current educational materials.
Policy Overview	RG	04-Sep-14	Brochure ready for use	The District Policy Overview brochure is ready for use. Extra copies are kept in the kiosk in the main room. Several copies have been included with your backup packet. For ease, a direct link to the brochure is provided on the About Us tab of our website.
ABOR Seller's Disclosure Form	RG	04-Sep-14	GCD Information Incorporated	Robin verified with ABOR staff that the GCD information is now incorporated and available for download by ABOR member brokers and realtors. Additional refinements as to the working condition of the well were suggested.
Internet Traffic Report	RG	07-Aug-14	Page views and visits to the District Website	On the District website over the past month, we've had a slight increase in the number of page views from last month. There were 2,926 page views from 1,272 unique visits. Top pages viewed (in order of hits) are the home page (930 views), Drought Status (332), Reports (156 views), and Maps (149 views). The Reports page upgrade is complete. Visitors can search by year, category, or keyword. On the District Facebook page we have 205 people who have signed up to 'Like' us.
AQUIFER SCIENCE				
Dye Tracing	BS, BH	05-Sep-14	Dye tracing	Discussions are underway with the EAA and CoA about potential dye tracings in the upcoming months. Locations include sinkholes and wallets in the Blanco River. Following rains in late May that brought flow to Onion Creek, dye was injected into Antioch Cave for a local trace.
319(h) Grant	BS, BH, AA	05-Sep-14	Onion Creek Recharge Enhancement Project	The grant officially ended on August 31, 2011, but the District is committed to continuing upkeep and improvements to the system at Antioch and Sky Ranch. We have installed (7/15/13) a shallow monitor well near the recharge vault to help us monitor recharge. Flooding in Onion Creek on October 31 caused some minor damage to equipment at Antioch.
Water-Quality Studies	BS, BH, AA	05-Sep-14	Sampling and analysis of groundwater and surface water	The District's summer sampling program was conducted in June and July of 2014. Samples for the Magellan project were collected in March.
Saline Zone Studies	BS, BH	05-Sep-14	Installation of multipoint monitor well	Plans are moving forward for installation of a saline Edwards multipoint well in conjunction with a test well installed by TDS and we are currently working on an access agreement. A grant application was submitted to TWDB for a possible water-supply project in the Edwards saline zone, but we were notified informally that we were not awarded the grant.

	Lender, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Drought and Water-Level Monitoring	BH, BS, AA	05-Sep-14	Drought status, monitor wells, and synoptic water level events	Alarm State II drought was declared by the Board on August 14. As of September 5 the water level in Lovelady well was 470.7 ft above sea level which is about 8 ft below drought stage. Flow from Barton Springs on September 5 was 28 cfs.
Information Transfer	BS, BH, AA	05-Sep-14	Presentations, conferences, reports, and publications	District staff presented two papers at the Geological Society of America, South-Central Section meeting in Fayetteville, Arkansas in mid March 2014. Brian Smith will serve on a panel to discuss aquifer storage and recovery at the TAGD Groundwater Summit on August 26.
AD-HOC TEAMS				
Technical Team	BAS	05-Sep-14	Current areas of discussion	Topics of discussion at the technical team meeting in September were HCP lake estimates, BMP liner requirements, geologic mapping, and recent inspections.
Planning Team	JD	05-Sep-14	Strategic and tactical planning and discussion topics	Routine items: reviewed current Board agenda items and identified possible future agenda items. Reviewed status of current Board commitments. New Business: Review of FY14 Goals; brainstorm for FY15 goals.
UPCOMING ITEMS OF INTEREST				
1st September Board Meeting		11-Sep-14		
Texas Desalination Conference		11-Sep-14	Hilton Austin Airport, 9515 Hotel Drive, Austin, Texas	
CARD Community Water Meeting		11-Sep-14	6-9:30pm, Wimberly Community Center, 14068 RR 12	
Texas Water Law Institute		22-Sep-14	thru 9-23, Radisson Hotel, Austin, Texas, \$\$	
TxDOT SH 45 SW Technical Group Meeting		25-Sep-14	9-11am, Austin District Hearing Room (Bid 7), 7901 N. I-35	
2nd September Board Meeting		25-Sep-14	District Hearing on City of Kyle Permit	
HCA Leadership Summit		25-Sep-14	9am-4pm, Federicksburg, Texas, \$\$	
1st October Board Meeting		9-Oct-14	thru 10-17, Wyndam San Antonio River Walk, San Antonio, Texas, \$\$	
TWCA Fall Conference		15-Oct-14		
GMA 10 Meeting		20-Oct-14		
2nd October Board Meeting		23-Oct-14	in Dripping Springs	
Rainwater Revival		25-Oct-14	thru 10-30, Kingsville, Texas	
TAGD quarterly meeting		29-Oct-14	thru 11-21, Radisson Hotel, Austin, Texas, \$\$	
2014 Texas Water Law Institute		19-Nov-14	8:30 am, Central Texas COG, 2180 N Main, Bellon, TX 76513	
Bell County Water Symposium		20-Nov-14		

Item 4
Public Hearing

The Board will hold a Public Hearing the proposed draft Habitat Conservation Plan (HCP) that has been developed in support of a prospective application for an Incidental Take Permit (ITP) from the United States Fish and Wildlife Service. The proposed HCP includes measures necessary to avoid, minimize, and mitigate potential adverse effects or “take” of the endangered Barton Springs salamander (*Eurycea sosorum*) and Austin blind salamander (*Eurycea waterlooensis*) associated with District-permitted withdrawals of groundwater from the Barton Springs segment of the Edwards Aquifer.

Item 5

Board discussions and possible actions

- a. Discussion and possible action related to approval of the proposed Draft HCP for final editing and submittal to the USFWS in support of an ITP from the United States Fish and Wildlife Service.**

Item 5

Board discussions and possible actions

b. Discussion and possible action related to authorizing the general manager to negotiate and the acting Board President to execute a contract with a technical editor to provide non-substantive editing of the HCP in support of preparation of the ITP application.



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

MEMORANDUM

Date: September 5, 2014
To: Board of Directors
From: John T. Dupnik, P.G., General Manager
Re: Agenda Item 5.b and c.

The HCP is entering the final stages of completion. Once complete and the material content is approved by the Board, certain tasks will need to be completed in order to prepare and submit an application for an incidental take permit. Such tasks include:

1. **Final technical editing:** One of the recurrent themes provided from both the MAC and public commenters was that the HCP was difficult to read and could benefit from technical editing. Upon Board approval of the HCP, staff recommends contracting with a technical editor to edit the document to improve readability and consistency throughout the document without affecting the meaning or material content of the Board-approved plan. Staff further recommends that such an editor will need to be engaged and under contract within the next couple of weeks in order to maintain the current pace of progress on the HCP. In the interest of expediency, staff has contacted an editor that is uniquely qualified for the job and would support a sole source solicitation. The editor's qualification will be provided under separate cover.

Board Action: The GM requests authorization to negotiate the contract terms with a technical editor and authorization for the Board president to execute a contract.

2. **ITP Application and Submittal.** Once the Board has approved the HCP, the HCP will have to be packaged up with an ITP application and submitted to the USFWS. District staff are not experienced with such application preparation. Staff recommends using the services of the Holland Groundwater Management Consultants under Phase V of the existing contract using budgeted funds to assist the District in this task. Under the terms of the contract, Phase V requires Board approval. (See copy of contract under 5.c of the backup).

Board Action: The GM requests approval of Phase V of the contract with Holland Groundwater Management Consultants for completion and submittal of an ITP application and supporting documentation.

Item 5

Board discussions and possible actions

c. Discussion and possible action related to authorize Phase V of the contract with Holland Groundwater Management Consulting to support preparation of the ITP Application and other related tasks.

**Amendment No. 3 to the Contractual Agreement for Professional Consulting
Services Between
Barton Springs/Edwards Aquifer Conservation District
and
Holland Groundwater Management Consultants LLC**

This is Amendment No. 3 is to the contract (“Agreement”) between the Barton Springs/Edwards Aquifer Conservation District (hereinafter “District” or “BSEACD”), and Holland Groundwater Management Consultants, as contractor (hereinafter “Contractor”) dated July 11, 2013, amended September 12, 2013 and March 27, 2014. This amendment extends the term of the Agreement, adds work to be performed, defines the phasing of the work, specifies not-to-exceed dollar amounts for the added work and phases, specifies the period of time that Contractor is provided a computer, and eliminates office space provided to the Contractor. All other provisions will remain as is in the existing Agreement, as amended.

Amendment No. 3 is entered into by the District and the Contractor as evidenced by the signatures below.. Sections II, III, and VI of the Agreement are amended as follows: Except as specified in this Amendment, all other provisions of the Contractual Agreement as previously amended continue.

**Section II
Scope, Compensation and Deliverables**

Hereinafter, Section II shall be modified as follows:

The District will engage the Contractor to continue to support the District HCP initiative. This work will be requested and authorized by the District’s General Manager and performed in close communication and coordination with District staff. The consulting work areas under this Amendment No. 3 include:

- Support to the District in the completion of the draft District Habitat Conservation Plan (HCP) and an application to the Fish and Wildlife Service for an Incidental Take Permit, and
- Support to the District in providing input to response to comments by the U.S. Fish and Wildlife Service, stakeholders, and the public.

Contractor will provide progress reports along with each invoice for the work. Contractor will be available to District staff via telephone and email during all normal working hours, and from time to time for meetings with District staff and/or stakeholders that may or may not be during normal business hours.

The work under this Amendment No. 3 will be conducted in two phases, with each phase separately authorized:

1. Phase IV: Phase IV activity authorized by execution of this Agreement will be performed on a time-and-materials basis, and will be limited solely to agreed and then on-going work related to

Phase III work of the March 27, 2014, amended agreement, in particular work related to completion of the draft District HCP and the Incidental Take Permit (ITP) application. Phase IV includes work under the Agreement dated March 27, 2014, that was performed beginning June 25, 2014 and continuing through August 31, 2014. Contractor's labor during Phase IV will be compensated at a preferentially discounted rate of \$80.00 per billable hour.

2. Phase V: Expenditures for Phase V, which may be authorized at the Board's discretion near the end of Phase IV, will be performed on a time-and-materials basis and will be limited solely to agreed work related to ongoing activity necessary to complete the ITP application and responses to comments by the U.S. Fish and Wildlife Service, stakeholders, and the public. If expenditures are authorized, Phase V will take place from the date of completion of Phase IV through August 31, 2015. Contractor's labor during Phase V will be compensated at a preferentially discounted rate of \$80.00 per billable hour.

In addition to the prices above for Contractor labor, other direct costs incurred by the Contractor in the performance of work under this Agreement, excluding local travel but including other authorized travel expenses and out-of-pocket costs for materials and supplies and purchased services, if any, will be reimbursed at actual cost incurred, as evidenced by supporting documentation submitted along with the monthly invoices. Contractor will invoice the District within 30 days of the end of each month of the Term. The District will promptly pay any undisputed invoice within 30 days of receipt.

In no event will the District's total aggregated cost, including Contractor's expenses, paid to Contractor under this Agreement, exceed an additional \$5,000 for the additional Phase IV work and an additional \$10,000 for the additional Phase V work, without prior written approval of the District.

Section III Term; Termination

Hereinafter, Section III shall be modified as follows:

The term of this Agreement ends on August 31, 2015 and Contractor warrants its capability and willingness to perform the work until this termination date. It is acknowledged by Contractor that only the cost to fund Phase IV work will be authorized initially ("Funding Limitation"). While it is the District's intent to fund Phase V activities, that commitment requires additional Board action. Until such action, work performed beyond the Funding Limitation, even if directed by the District, is at Contractor's risk; the District has no obligation to pay for such work, and Contractor has no obligation to perform such work.

The District may terminate this agreement with or without cause at any time, and will pay Contractor for any incurred or irrevocably committed costs to that date. Contractor may terminate this agreement with 30 days written notice.

Section VI District Representations and Warranties

Hereinafter, Section VI shall be modified as follows:

District represents and warrants to the Contractor that, to facilitate the delivery and utility of work product of Contractor delivered under this Agreement:

- a. District will continue to provide the existing user ID and incoming and outgoing email access via the District mail server during the Term of Phase IV of this Agreement, provided Contractor abides by the same email communications policy as employees, and designates himself as a consultant and not employee of the District in the usual legal disclaimer on all electronic communications outside the District.
- b. District will provide Contractor during the Term Phase IV of this Agreement with an office desktop computer with work files and server access and a remote desktop connection via the District server, provided the District retains rights to control access and to access, inspect, and manage information contained and used by such computer.

No Other Changes to the Agreement are Hereby Authorized.

[This space intentionally left blank.]

The parties have executed this agreement in Austin, Texas, on the 24th day of July, 2014.

**For Barton Springs/Edwards Aquifer
Conservation District,
The District:**

**For W. F. (Kirk) Holland,
Contractor:**



Robert D. Larsen, Ph.D.
Acting Board President

7/24/14

Date



W F (Kirk) Holland
Principal of Contractor

8/9/14

Date

Attest:

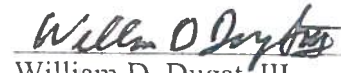
Approved as to Form:



Craig Smith
Board Secretary

7/31/14

Date



William D. Dugat, III
Counsel

7/24/14

Date

Item 5

Board discussions and possible actions

d. Discussion and possible action related to selecting a first-choice firm to begin negotiations on a contract to provide legislative consulting services for the upcoming legislative session.



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

MEMORANDUM

Date: September 5, 2014

To: Board of Directors

From: John T. Dupnik, P.G., General Manager

Re: Agenda Item 5.d.

On 9/4/14 the Board conducted interviews of the four firms selected to submit proposals to provide legislative support services for the District in the upcoming session.

The District's purchasing policy requires that these proposals are scored and that the best qualified candidate is then selected to negotiate the terms of an arrangement.

Please find attached the following materials to support this process:

1. Firm evaluation score sheets
2. Request for Proposals (RFP) describing scope of work and weighted evaluation criteria

Hard copies of the submitted firm qualifications and proposals have been provided previously. Additional copies can be provided upon request.

Director Action: Please review and score the proposals and submit your results to me by COB, Wednesday, 9/10/14. A digital copy of the score sheet will also be sent via email. I will tally the results and provide at the Board meeting.

BSEACD Evaluation of Proposals from Selected Firms

Evaluator: _____
Service: Legislative Consulting
Firm: _____

Evaluation Criterion	Possible Points	Score
1. Responsiveness to the Request for Proposal	0-15	
Factors		Comment
a) Requested information included & thoroughness of response.		
b) Understanding and acceptance of the scope of services.		
c) Acceptance of the RFP.		
d) Clarity and conciseness of the response.		
2) Respondent's Background & Experience	0-40	
Factors		Comment
a) Respondent's background, professional qualifications, and area of expertise.		
b) Respondent's relevant experience in legislative consulting services including, but not limited to, water resources; environmental and natural resources; and local, state, and federal		
c) Respondent's knowledge of and experience with state agencies and other relevant public entities of interest to the District.		
d) Respondent's availability of resources to support the District.		
e) Respondent's general understanding of the District's legislative priorities.		
3) Evaluation of References	0-10	
Factors		Comment
4) Small, Minority, Women-Owned and HUB (Historically Underutilized Business) Enterprise Status . 0 or 5 points	0-5	
Factors		Comment
Preference will be given to proposals that are otherwise equal to a certified Small, Minority, or Women-Owned business.		
5) Local Presence	0-5	
Factors		Comment
Unless there is a desire to select a consultant outside the local area to ensure impartiality, preference will be given to proposals that are otherwise equal to individuals and/or firms whose principal place of business is located within the District's jurisdictional boundary (Travis, Hays, and Caldwell Counties).		
6) Pricing Schedule within Funding Limitation	0-25	
Factors		Comment
	Total	0



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

**Barton Springs/Edwards Aquifer Conservation District
Request for Proposals
For Legislative Consulting Services
RFP No. 072914-001**

BACKGROUND

The Barton Springs/Edwards Aquifer Conservation District (“District”) is a Groundwater Conservation District (GCD) created in 1987 by the 70th Texas Legislature under Senate Bill 988 (now codified at Special District Local Laws Code, Chapter 8802) and Chapter 52 (revised to Chapter 36) of the Texas Water Code (TWC). The District's mandate is to conserve, protect, and enhance all groundwater resources within the District. The District has the authority to undertake various studies and implement structural facilities and non-structural programs to achieve its statutory mandate. The District has rule-making authority to implement its policies and procedures consistent with the statutory mandates, established mission, and the TWDB-approved management plan.

On the basis of the response to the Request for Statements of Interest and Qualifications (“RFQ”) issued on June 24, 2014, your firm has been selected as a prospective offeror of legislative consulting services (“Respondent”) to the District. The District seeks proposals for services in accordance with the specifications contained in this Request for Proposals (“RFP”).

CONTRACT TERM

The services requested shall be provided for a period beginning December 1, 2014 or the last signature date on the Contract, whichever is later, and ending May 31, 2015 to correspond with the 84th Session of the Texas Legislature. This contract may be renewed for the following legislative session upon mutual agreement of the parties to be evidenced in writing prior to the expiration date of the initial term. At the sole option of the District, the Contract may be extended as needed to cover the interim period between legislative sessions.

SCOPE OF SERVICES

The selected firm will provide legislative consulting services required to perform the following tasks within the Board-approved budget and funding limitation of \$30,000 (“Funding Limitation”):

- 1) Provide professional assistance and advice on the development of legislative, administrative, and regulatory strategies to assist the District in promoting its mission and achieving its service and organizational goals and objectives.

- 2) Meet with the District to assist and provide advice on the development of the District's state legislative agenda including implementation strategies.
- 3) Communicate with the District on legislative, administrative, and regulatory approaches and strategies regarding legislation introduced and administrative rules proposed.
- 4) Advocate, pursue, and pass specific legislation as requested by the District.
- 5) Identify, monitor, and analyze legislation introduced and administrative rules proposed for possible impact on the governance, responsibilities, and operation of the District.
- 6) Provide status reports to the District as often as deemed necessary by the District, and to facilitate the timely work of the consultant.

PROPOSAL REQUIREMENTS

- 1) Costs: The District will not reimburse the Respondent for any cost related to its Proposal. The Respondent is responsible for any expense related to the preparation and submission of its Proposal.
- 2) The District will not consider any Proposal that bears a copyright. Proposals will be subject to the Texas Public Information Act (PIA), Tex. Government Code, Chapter 552, and may be disclosed to the public upon request. The Proposal and other submitted information shall be presumed to be subject to disclosure unless a specific exception to disclosure under the PIA applies.

If it is necessary for the Respondent to include proprietary or otherwise confidential information in their Proposal or other submitted information, the Respondent must clearly label that proprietary or confidential information and identify the specific exception to disclosure in the PIA. Merely making a blanket claim the entire Proposal is protected from disclosure because it contains some proprietary information is not acceptable, and shall make the entire Proposal subject to release under the PIA. In order to initiate the process of seeking an Attorney General opinion on the release of proprietary or confidential information, the specific provisions of the Proposal that are considered by the Respondent to be proprietary or confidential must be clearly labeled as described below. Any information which is not clearly identified as proprietary or confidential shall be deemed to be subject to disclosure pursuant to the PIA. Subject to the Act, Respondents may protect trade and confidential information from public release. Trade secrets or other confidential information submitted as part of a Proposal, shall be clearly marked at each page it appears. Such marking shall be in boldface type at least **14 point font**.

- 3) Contents: As a supplement to the statement of interest and qualifications previously submitted, the Respondent's proposal shall include the following items in the following sequence.
- a) *Respondent Information*: Include the following information related to the responding business entity: formal name and all assumed names used by the business entity; structure of business entity (i.e. sole proprietorship, partnership, corporation, etc.); state in which business entity was formed or incorporated; physical address and mailing address; principal place of business; whether, and to what extent, Respondent has established a physical presence in the State of Texas including relevant timeframes; and name, title, address, telephone number, and e-mail address of Respondent's primary contact.
 - b) *Confirmation of Interest*: Provide a statement confirming the Respondent's interest in providing the legislative services described in scope of work within the Funding Limitation. Also include the reasons why the Respondent should be selected for the contract award and any conditions attendant to such contractual work.
 - c) *Compensation and Fees*: Provide a compensation schedule for each service to be performed in response to this RFP (may be based on time and expenses or a total all-inclusive monthly cost), including an estimated maximum amount that does not exceed the Funding Limitation.
 - d) *Sample Engagement Letter or Contract*
 - e) *Other Resources*: Provide a description of other resources, including total number of employees, number and location of offices, legislative tracking services, number and type of equipment available to the District in support of the contract.
 - f) *References*: Include a minimum of three (3) references from clients, preferably from other GCDs, river authorities, special districts, or water districts, for whom similar services were performed or provided. Include an entity description, contact names and information, and other pertinent information (e.g. legislative agenda, bills filed, bills passed).

SUBMISSIONS OF PROPOSALS

Interested parties are to submit one (1) original and five (5) copies of proposals no later than 5:00 p.m. Wednesday, August 13th, 2014, to John T, Dupnik, P.G., General Manager, at the following address:

Barton Springs/Edwards Aquifer Conservation District
Attn: Mr. John T. Dupnik, P.G.
1124 Regal Row
Austin, Texas 78748
(512) 282-8441
john@bseacd.org

The District strongly encourages minority-owned and women-owned businesses to submit proposals. The District also encourages applicants, in those instances when joint venturing and/or subcontracting is appropriate, to form joint ventures and/or provide subcontract opportunities to minority and women-owned firms.

Upon receipt by the District, each statement will be stamped with the date and time received, and stored unopened in a secure place until the statement opening. All statements become the property of the District, which will hold the contents of all statements confidential until an award is made.

Statements received after the time set for the opening will be declared late and not eligible for opening and consideration. The District is not responsible for mail, courier or other delivery methods, in-transit time or non-delivery. Late deliveries will be held unopened. Potential firms will be advised by mail that their statement was late and not accepted and will be allowed to pick up their statement package or furnish a "call tag" and have the package picked up by a courier. **NO FACSIMILES WILL BE ACCEPTED.**

Please direct any inquiries regarding this solicitation to Mr. Dupnik as indicated above.

EVALUATION CRITERIA

The District will conduct a comprehensive, fair, and impartial evaluation of all proposals received in response to this RFP. Criteria to be evaluated may include the items listed below.

Evaluation Criteria: **100 total possible points**

- 1) *Responsiveness to the Request for Proposal.* **15 points**
 - a) Requested information included & thoroughness of response.
 - b) Understanding and acceptance of the scope of services.
 - c) Acceptance of the RFP.
 - d) Clarity and conciseness of the response.

2) *Respondent's Background & Experience (may reference information submitted in response to RFQ). 40 points*

- a) Respondent's background, professional qualifications, and area of expertise.
- b) Respondent's relevant experience in legislative consulting services including, but not limited to, water resources; environmental and natural resources; and local, state, and federal government issues.
- c) Respondent's knowledge of and experience with state agencies and other relevant public entities of interest to the District.
- d) Respondent's availability of resources to support the District.
- e) Respondent's general understanding of the District's legislative priorities.

3) *Evaluation of References. 10 points*

4) *Small, Minority, Women-Owned and HUB (Historically Underutilized Business) Enterprise Status. 0 or 5 points*

Preference will be given to proposals that are otherwise equal to a certified Small, Minority, or Women-Owned business.

5) *Local Presence. 0 or 5 points*

Unless there is a desire to select a consultant outside the local area to ensure impartiality, preference will be given to proposals that are otherwise equal to individuals and/or firms whose principal place of business is located within the District's jurisdictional boundary (Travis, Hays, and Caldwell Counties).

6) *Pricing Schedule within Funding Limitation. 25 points*

SELECTION PROCESS

The District may appoint a selection committee to evaluate the Proposals. The committee may include Directors, the District General Manager or designee, and other persons invited by the District to participate. Each Proposal will be analyzed to determine overall responsiveness and qualifications under the RFP. The committee will determine the most qualified Proposal by applying the above criteria and may invite all, some, or none of the Respondents for interviews or to provide oral presentations. If the committee elects to request oral presentation or conduct interviews, Respondents may be re-scored based upon the same criteria, or other criteria to be determined by the committee.

In accordance with the District purchasing policy, the District may award a contract to the Respondent that demonstrates competence and qualifications to perform the services and with whom contract terms could be negotiated for a fair and reasonable price. The District reserves the right to award contract(s) without any negotiations and reserves the right to not make awards.

Item 5

Board discussions and possible actions

e. Discussion and possible action related to a minor amendment application filed by Cornerstone HTJ, LLC (Mr. and Mrs. Jones) to increase the permitted volume from 490,000 gallons/year to 980,000 gallons/year to withdraw from a Middle Trinity Aquifer multi-user well to include an additional property located a 209 Ashworth Dr, Rollingwood, Texas for residential irrigation.



MEMORANDUM

Date: September 5, 2014

To: Board of Directors

Thru: John T. Dupnik, P.G., General Manager

From: Kendall Bell-Enders, Regulatory Compliance Coordinator

Re: Minor amendment application filed by Cornerstone HTJ, LLC (Mr. and Mrs. Jones) to increase the permitted volume from 490,000 gallons/year to 980,000 gallons/year to withdraw from a Middle Trinity Aquifer multi-user well to include an additional property located a 209 Ashworth Dr, Rollingwood, Texas for residential irrigation.

Background:

Mr. Trotter sold the "undeveloped" lot, where the well was drilled, to his neighbors (Teresa and Hunter Jones – Cornerstone HTJ, LLC) in early July just as the well was being completed. Mr. and Mrs. Jones have submitted a minor amendment application to increase the permitted volume to include their landscaping. The input of their site specific irrigated area resulted in an annual volume of 490,000 gallons/year for their residential lot. The irrigated demand volume was calculated based on the recent Board-approved methodology that was the product of the most current research, accepted industry standards, and plant demand data specific to the our region.

The new additional volume of 490,000 gal/yr (Jones' lot) plus the original volume of 490,000 gal/yr (Trotter's lot) equals a total of 980,000 gal/yr. The well is still permitted as a multi-user well. Mr. Trotter intends to share the well with the Jones and use an allocated volume that is in line with the original permitted volume.

General Lawn - Trinity Aquifer

Outdoor Volume Calculator

Warm-Season Turfgrass

Proposed Irrigated Area	12450 sq ft	0.286 acres
Maximum Application Rate (see appl. rate)		1.32 feet
Total Outdoor Water Use		122,612 gallons/year

Annuals/Groundcover

Proposed Irrigated Area	sq ft	0.000 acres
Maximum Application Rate (see appl. rate)		2.11 feet
Total Outdoor Water Use		0 gallons/year

Native/Perennials/Shrubs

Proposed Irrigated Area	8,768 sq ft	0.201 acres
Maximum Application Rate (see appl. rate)		1.26 feet
Total Outdoor Water Use		82,649 gallons/year

Native Plants

Proposed Irrigated Area	0 sq ft	0.000 acres
Maximum Application Rate (see appl. rate)		0.26 feet
Total Outdoor Water Use		0 gallons/year

Vegetable Garden

Proposed Irrigated Area	300 sq ft	0.007 acres
Maximum Application Rate (see appl. rate)		3.65 feet
Total Outdoor Water Use		8,186 gallons/year

Trees Outside of turf area

Fruit Trees (Number of Trees)		0
Tree area (canopy) per tree		300 sq. ft
Tree area (canopy) total		0 sq. ft
Tree area (canopy) total		0.000 acres
Maximum Application Rate (see appl. rate)		2.69 feet
Total Outdoor Water Use		0 gallons/year

Fruite Trees	Number of Trees	0
	Tree area (canopy) per tree	300 sq. ft
	Tree area (canopy) total	0 sq. ft
	Tree area (canopy) total	0.000 acres
	Maximum Application Rate (see appl. rate)	2.93 feet
	Total Outdoor Water Use	0 gallons/year

Large Trees	Number of Trees	3
	Tree area (canopy) per tree	1100 sq. ft
	Tree area (canopy) total	3300 sq. ft

Medium Trees	Number of Trees	5
	Tree area (canopy) per tree	300 sq. ft
	Tree area (canopy) total	1500 sq. ft

Small Trees	Number of Trees	2
	Tree area (canopy) per tree	90 sq. ft
	Tree area (canopy) total	180 sq. ft

Total Tree Area	4980 sq ft
	0.114 acres
Maximum Application Rate (see appl. rate)	1.60 feet

Trees	Total Outdoor Water Use	59,502 gallons/year
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Total Outdoor Water Use	272,948 gallons/year
Total Outdoor Water Use (irrigation distribution uniformity)	454,914 gallons/year

Pool/Hot Tub	Pool/Hot Tub area	876
	Net Evaporation (see appl. rate)	33 gallons/year
	Total Calculated Evaporation Loss	28,793 gallons/year

Total Volume	483,707
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CALCULATED ANNUAL PERMITTED VOLUME	490,000 gallons/year
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<u>Jones Estimates</u>	<u>acres</u>	<u>sq/ft</u>
Total Property Area	0.74	32234
Impervious Area		
House	0.09	3800
Other	0.11	4700
Total	0.20	8500

Pervious Area	0.54	23734
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Irrigated Landscape Area

<u>Turf area</u>	
Backyard	6345
Side of Barn	749
Front of Barn - proposed*	400
Front yard - left side	10,710
Front yard - right	1794
Total	19998

<u>Annual/Groundcover</u>	
Back yard - Inland Sea Oats	970
Front yard - Inland Sea Oats	2336
Total	3306

<u>Perennials/Shrubs/Native</u>	
Backyard	2072
Barn area	216
Garage area	80
Front bed	3097
Total	5465

Grand Total 28769

* irrigated area higher than pervious area

Trees

Large	16
Med	40
Small	50
Large Shrubs	50

<u>District Staff Estimates</u>	<u>acres</u>	<u>sq/ft</u>
Total Property Area	0.684	29795
Impervious Area		
House	0.09	3800
Other	0.11	4700
Total	0.20	8500

Pervious Area	0.49	21295
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Irrigated Landscape Area

<u>Turf area</u>	
Backyard	5000
Side of Barn	550
Front of Barn - proposed*	400
Front yard - left side	4,800
Front yard - right	1700
Total	12450

<u>Annual/Groundcover</u>	
Back yard - Inland Sea Oats	na
Front yard - Inland Sea Oats	na
Total	0

<u>Perennials/Shrubs/Native</u>	
Backyard	2072
Barn area	216
Garage area	80
Front bed	6400
Total	8768

Grand Total 21218

Trees

Large	3
Med	5
Small	2
Large Shrubs	

Item 6

Adjournment