

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
January 29, 2015**

Board members present at commencement: Bob Larsen, Mary Stone, Craig Smith, Blake Dorsett and Blayne Stansberry. Staff present: John Dupnik, Brian Smith, Brian Hunt, Robin Gary, Kendall Bell-Enders and Tammy Raymond. Bill Dugat of Bickerstaff, Heath, Delgado, Acosta also participated in the meeting. Also present were those on the attached sign-in sheet. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

1. Call to Order.

Dr. Larsen called the meeting to order at 6:02 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments).

Tiffany Curnutt of Mountain City and David Crowell expressed thanks to the Board for their interest and work on the Electro Purification matter.

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 January 15, 2015 Regular Meeting.**

Ms. Stone moved approval of the consent agenda noting that there were no invoices over \$5,000.

Ms. Stansberry seconded the motion and it passed with a vote of 4 to 0. Mr. Smith abstained.

5. Discussion and Possible Action.

5a. Discussion related to a draft agreement with TxDOT in connection with proposed State Highway 45 Southwest and the Consent Decree and Partial Final Judgment in the matter of Save Barton Creek Association v. Federal Highway Administration (W.D. Tex. 1990).

Mr. Dupnik provided an update of the meetings and discussions with CTRMA, Travis County, and the City of Austin staff. He noted that two of the three main issues identified by the Travis County Commissioners may be addressed with TxDOT's proposed revisions to the agreement, and the inclusion of CTRMA in the agreement which CTRMA staff seemed agreeable to, contingent on approval by their Board.

Dr. Larsen called the following member of the public who signed up to speak on this item.

Kelly Davis - Save Our Springs Alliance

Mr. Dupnik reminded the Board that written public comments on the draft agreement were being accepted until close of business on Friday, January 30th.

Dr. Larsen stated that this item would remain open for Executive Session simultaneously with item 5b.

5b. Discussion and possible action related to the Electro Purification Trinity well field located just outside of the District's boundaries including options for possible annexation.

Brian Smith provided an update on the technical information provided and preliminary analysis completed to date. He noted that there wasn't enough information from the well test data available to provide any definitive conclusions at this point.

Mr. Bill Dugat provided an overview of the statutory options for annexation of an area by an existing GCD.

Dr. Larsen called the following members of the public who signed up to speak on this item.

Les Carnes
Joey Thompson
D.E. Lewis
Suzanne Teshera
Adam Garner
Linda Kaye Rogers – Hays Trinity GCD

Dr. Larsen stated that the Board would adjourn into Executive Session on items 5a. and 5b. as authorized by the Texas Government Code Section 551.071 Consultation with Attorney at 7:48 p.m. Dr. Larsen stated that no actions or decisions would be made while in Executive Session.

The Board re-convened into open session at 8:44 p.m. Dr. Larsen stated that no actions or decisions were made while in Executive Session.

No Board action was taken on items 5a. or 5b., following Executive Session.

4. Presentation.

Presentation by Robin Gary on regional well drilling activity.

Ms. Robin Gary gave a presentation on well drilling activity in GMA 9, noting certain well drilling trends in the GCD counties versus the unregulated counties. She stated that one notable trend was the dramatic increase in drilling of irrigation wells in the unregulated portions of Travis County.

5c. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments

Mr. Dupnik provided the drought compliance report noting that two permittees incurred drought management fees, but that there were no incidents of non-compliance that warranted an enforcement action.

No action was taken.

5d. Discussion and possible action related to a declaration of “No Drought” conditions.

Dr. Brian Smith reported that conditions at the Lovelady drought indicator well had improved, and was just above the Stage II Drought trigger. He also noted that both drought indicators were above drought trigger thresholds.

Mr. Dupnik stated that staff recommended that “No Drought” be declared.

Mr. Smith moved to declare a “No Drought” status effective immediately.

Ms. Stone seconded the motion and it passed unanimously with a vote of 5 to 0.

5e. Discussion and possible action related to setting a public hearing to consider adjusting the water use fees for Conditional Production Permits.

Mr. Dupnik informed the Board that LCRA had increased its raw water rates earlier in the summer. He explained that the District has the statutory authority to set conditional permit rates commensurate with those raw water rates, and provided a range of possible rates to be considered with a maximum rate of \$0.54/1,000 gallons.

After discussion, Mr. Smith moved to set a Public Hearing on March 12, 2015 to consider increasing the current rate of \$0.46/1,000 for Conditional Production Permits to a rate between \$0.50 and \$0.54/1,000 gallons.

Ms. Stone seconded the motion and it passed unanimously with a vote of 5 to 0.

5f. Discussion and possible action related to pursuit of the District's legislative agenda including possible formation of a legislative subcommittee.

Mr. Dupnik briefed the Board of several bills of interest that were tracked by Sledge/Fancher.

After Board discussion, Dr. Larsen appointed a legislative subcommittee of Mr. Smith and himself.

3. Routine Business.

3b. 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.

- a. Personnel matters and utilization
- b. Upcoming public events of possible interest
- c. Aquifer conditions and status of drought indicators

Mr. Dupnik and staff updated the Board and answered Directors' questions on the items listed above.

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. Update on Team activities and highlights
- ii. Update on regulatory and enforcement activities
- iii. Update on current Aquifer Science Team projects
- iv. Update on efforts to characterize the saline zone of the Edwards Aquifer
- v. Update on activities related to the HCP
- vi. Update on the status of the City of Kyle's remanded permit application

Mr. Dupnik and staff updated the Board and answered Directors' questions on the items listed above.

3c. Directors' Reports. *(Note: Directors' comments under this item cannot address an agenda item posted elsewhere on this agenda and no substantive discussion among the Board Members or action will be allowed in this meeting. Communications reported under this item may be used to support Performance Standard 4-1 of the District's Management Plan related to demonstration of effective communication with District constituents.)*

Directors may report on their involvement in activities and dialogue that are of likely interest to the Board, in one or more of the following topical areas:

- Meetings and conferences attended or that will be attended;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Recognition of people doing good things for groundwater management in the District; and
- Issues or problems of concern.

Mr. Dorsett reported the following:

Attended two Creedmoor Maha WSC Board meetings
Met with Electro Purification
Met with Charles Laws on the grant being pursued by the District
Met with John Dupnik

Ms. Stone reported the following:

Attended several meetings in regard to SH45 SW
Attended several meetings in regard to Electro Purification

Ms. Stansberry reported the following:

Attended meetings in regard to SH45 SW
Attended meeting in regard to Electro Purification
Met with Mr. Dupnik and Ms. Gary

Mr. Smith reported the following:

Attended the RWQPP meeting on SH45 SW

Dr. Larsen reported the following:

Attended several meetings in regard to SH45 SW
Met with Jason Isaac, Will Conley, and Mark Jones
Met with CTRMA

5g. Discussion and possible action related to the annual election of the officers of the BSEACD Board of Directors.

Ms. Stone moved to nominate Blayne Stansberry as Secretary of the Board.

Mr. Smith seconded the motion and it passed unanimously with a vote of 5 to 0.

Ms. Stone moved to nominate Craig Smith as Vice President of the Board.

Mr. Dorsett seconded the motion and it passed unanimously with a vote of 5 to 0.

Mr. Smith moved to nominate Mary Stone as President of the Board.

Ms. Stansberry seconded the motion and it passed unanimously with a vote of 5 to 0.

The new officers for 2015 are as follows:

President – Mary Stone
Vice President – Craig Smith
Secretary – Blayne Stansberry

6. Adjournment.

Without objection, Dr. Larsen adjourned the meeting at 10:08 p.m.

Approved by the Board on February 12, 2015:

By: Mary Stone
Mary Stone, President

Attest: Blayne Stansberry
Blayne Stansberry, Secretary