

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting and Two Public Hearings
April 28, 2016**

Board members present at commencement: Blayne Stansberry, Craig Smith, Bob Larsen, Mary Stone and Blake Dorsett. Staff present: John Dupnik, Vanessa Escobar, Kendall Bell Enders, Stephen Davis, Brian Smith, 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.

Ms. Stansberry called the meeting to order at 6:00 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments).

There were no 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 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 April 14, 2016 Regular Meeting.**
3. **Approval of an alternate schedule for regular June Board meetings.**

Ms. Stone moved approval of Items 3a. 1 through 3, noting invoices from Bickerstaff in the amount of \$19,353.40 and Carollo Engineers in the amount of \$12,053.84. She also noted that the June 9th Board meeting will be moved to June 16th.

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

4. Presentation.

Selection of the recipients of the Kent S. Butler Memorial Groundwater Stewardship College Scholarship, and the Aquatic Science Adventure Camp scholarships.

Mr. Dupnik stated that the essays received for the Kent S. Butler Memorial Scholarship were scored by the judges and that the consensus pick for best essay was essay #24. He stated that the following graciously agreed to be our judges this year:

- Terry Franks
- Lila Knight
- Ruthie Redmond
- Elizabeth Woody
- Rene Barker
- Caleb Harris
- Stephen Davis

Mr. Dupnik informed the Board that all of the students that submitted applications for the Aquatic Science Adventure Camp Scholarship are able to attend this year. Donations from our permittees conservation credits provided sufficient funds for all camp applicants with some additional funds remaining. The surplus funds will be donated to support the camp programs. Camp scholarships were awarded to:

- Jacob Meredith
- Liam Prude
- Eliot Reynolds
- Ethen Jensen
- Audrey Majors
- Ella Pettiette
- Emma Pettiette

After discussion, Mr. Smith moved approval of applicant #24 as the winner of the \$2500 Kent S. Butler Memorial Groundwater Stewardship College Scholarship.

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

Mr. Dupnik announced that Eliza Cain is Applicant #24 and that she attends the Liberal Arts and Science Academy.

3. Routine Business.

- 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. **Update on Team activities and highlights**
- ii. **Update on regulatory and enforcement activities**
- iii. **Update on current Aquifer Science Team projects**
- iv. **Update on ongoing District grant projects**
- v. **Update on the activities related to the SH 45 SW roadway project**
- vi. **Update on activities related to the HCP and the associated draft EIS**
- vii. **Update on activities related to the City of Dripping Springs TPDES permit application**

Mr. Dupnik and staff updated the Board and answered Director’s questions on the items listed above

5. Public Hearings.

5a. The Board will hold a public hearing to consider new boundaries of its director precincts in order to conform to federal and state laws and to accommodate expanded area of the District and changes in the City of Austin boundaries. The Public Hearing seeks public input on illustrative plans that have been prepared by the District that represent preliminary alternatives. (6:15) Note: No action will be taken on this item in this meeting.

Ms. Stansberry opened the Public Hearing at 6:15 p.m.

Mr. Dugat gave a presentation on the needed Redistricting due to the annexation of territory in Hays County and by the City of Austin.

The following citizens signed up to speak on this item:

- Louie Bond
- David Braun
- David Crowell
- Kelly Davis
- Tim Doty
- Robert Swindle

All of the citizens that spoke were in favor of Illustrative Plan CD. Kelly Davis with the Save our Springs Alliance suggested that more options should have been provided for Precincts 4 and 5. She also stated that the submittal of alternate plans with the population analysis was an unreasonable requirement, and asked if plans could be submitted without census and voting population numbers.

Ms. Stansberry closed the Public Hearing at 6:41 p.m. and reminded the public that the deadline for submittal of written public comments and alternate redistricting plans is May 9th.

Ms. Stansberry asked Mr. Dugat about Ms. Davis's point of including the minority population data in a submitted plan, and asked if it could be omitted.

Mr. Dugat stated that we have to use that information to comply with Section II of the voting rights Act so no, it cannot be omitted.

6. Discussion and Possible Action.

6b. Discussion and possible action related to approval of the Response to Comment document responsive to comments submitted on proposed rule changes.

6c. Discussion and possible action related to approving some or all of the proposed revisions to the District Rules and Bylaws presented in the public hearing March 24, 2016 with additional revisions recommended in response to submitted comments.

Ms. Stansberry opened items 6b. and 6c. simultaneously.

Mr. Dupnik provided an overview of the revisions to the rules starting with the passage of HB 3405 and the activities related to rulemaking that have occurred to date. He said that written comments were received by the March 23rd deadline from City of Buda, Save our Springs Alliance, Ed McCarthy and TESPAs. He stated that a draft Response to Comments document was provided to each party in advance of the Board meeting. He stated that the majority of the written comments resulted in suggested edits to the rules in response to those comments and that the process was effective in improving and clarifying the rules. He then provided an overview of the suggested edits made to the proposed rules in response to the comments that were received.

The following signed up to speak:

Vanessa Puig Williams – TESPAs
Kelly Davis – Save our Springs Alliance – Donated her time to Vanessa Puig Williams
Brian Lillibridge – City of Buda
Ed McCarthy – Representing his clients

5. Public Hearings.

5b. The Board will hold a consolidated public hearing on Temporary Production Permit eligible for conversion to Regular Production Permits pursuant to the HB 3405 permit process. (7:30).

Ms. Stansberry opened the Public Hearing at 7:30 p.m.

Ms. Escobar stated that the Temporary Permit Applications listed below were administratively complete, had installed meters, and had User Drought Contingency Plans on file. She said that staff recommended approval of the conversion from Temporary to Regular Permits.

SWTX Pentecostal Church of God
Las Lomas HOA
Rollins Oaks Inc.
General Telephone Southwest
Hays City Holdings
Tindol Restaurant Group LLC
St. John's Catholic Church
St. Stephen's Episcopal Church
Wimberley Glassworks
St. Mark's Episcopal Church
First Christian Church
Log Cabin Plaza
Chuck Nash
Texas State University – Freeman Ranch

There were no public comments on this item, therefore; Ms. Stansberry closed the Public Hearing at 7:34 p.m.

6a. Discussion and possible action on approval of some or all of the Temporary Permit eligible for conversion to Regular Production Permits pursuant to the HB 3405 permit process.

Ms. Stone moved approval of the conversion from Temporary to Regular Permits for the 14 Applications listed in the Public Hearing.

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

5. Public Hearings.

5a. The Board will hold a public hearing to consider new boundaries of its director precincts in order to conform to federal and state laws and to accommodate expanded area of the District and changes in the City of Austin boundaries. The Public Hearing seeks public input on illustrative plans that have been prepared by the District that represent preliminary alternatives. (6:15) Note: No action will be taken on this item in this meeting.

Ms. Stansberry re-opened the Public Hearing at 7:36 p.m., to allow Mr. Charles Laws of Creedmoor Maha Water Utility to comment that he believes that Plan CD is the best plan for his rural area.

Ms. Stansberry closed the Public Hearing at 7:38 p.m.

6. Discussion and Possible Action.

6b. Discussion and possible action related to approval of the Response to Comment document responsive to comments submitted on proposed rule changes.

6c. Discussion and possible action related to approving some or all of the proposed revisions to the District Rules and Bylaws presented in the public hearing March 24, 2016 with additional revisions recommended in response to submitted comments.

Ms. Stansberry re-opened items 6b. and 6c. simultaneously.

Ms. Stansberry stated that the Board would meet in Executive Session, as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney), at 7:40 p.m. Ms. Stansberry stated that no final actions or decisions would be made while in Executive Session.

The Board re-convened into open session at 8:08 p.m. Ms. Stansberry stated that no final actions or decisions were made while in Executive Session.

6b. Discussion and possible action related to approval of the Response to Comment document responsive to comments submitted on proposed rule changes.

Mr. Dupnik stated that staff recommended approval of the Response to Comment document to be included as part of the record.

Dr. Larsen moved approval of the Response to Comment document to be included as part of the record.

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

6c. Discussion and possible action related to approving some or all of the proposed revisions to the District Rules and Bylaws presented in the public hearing March 24, 2016 with additional revisions recommended in response to submitted comments.

Mr. Dupnik stated that staff recommended approval and adoption of all of the proposed rule changes with suggested edits in response to comments, and to direct staff to prepare a mitigation policy to be presented to the Board for consideration at a future Board meeting.

Mr. Smith moved to adopt the proposed rule changes with the suggested edits that were included with the Response to Comments.

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

Dr. Larsen moved to direct the staff to prepare a mitigation policy to be presented to the Board for consideration at a future date.

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

7. 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;**
- **Commendations; and**
- **Issues or problems of concern.**

Mr. Smith reported the following:

Attended the Kent Butler Summit
Attended a meeting with LCRA Water Quality Advisory Committee

Ms. Stone reported the following:

Attended the Kent Butler Summit
Attended the Ruby Ranch Water Meeting

Ms. Stansberry reported the following:

Attended the Kent Butler Summit
Attended the District's Water Well Checkup
Sub-committee meetings on rules

Dr. Larsen reported the following:

Sub-committee meetings on rules
Met with Representatives of the South Austin HOA

Mr. Dorsett reported the following:

Stated that Creedmoor Maha was denied SWIFT funding
Creedmoor Maha Board meeting
Received phone calls on Redistricting

8. Adjournment.

Without objection, Ms. Stansberry adjourned the meeting at 8:51 p.m.

Approved by the Board on May 12, 2016:

By: Blayne Stansberry
Blayne Stansberry, President

Attest: Blake Dorsett
Blake Dorsett, Secretary