

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
June 30, 2016**

Board members present at commencement: Blayne Stansberry, Mary Stone, Craig Smith and Blake Dorsett. Bob Larsen was absent. Staff present: John Dupnik, Brian Smith, Dana Wilson, Vanessa Escobar 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 6:02 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments of a General Nature).

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 June 16, 2016 regular Meeting and Public Hearing.**
3. **Approval of an amendment to the professional consulting services contract with Holland Groundwater Management Consultants, LLC, to continue to support the pending Incidental Take Permit application and other management consulting services as warranted.**

Ms. Stansberry stated that item 3a3. will be taken off of the consent agenda and placed on the regular agenda for discussion.

Mr. Smith moved approval of consent agenda items 1 and 2 noting invoices from Bickerstaff in the amount of \$9,142.00, EAA in the amount of \$15,044.50 and Westbay in the amount of \$23,140.00.

Ms. Stone seconded the motion and it passed with a vote of 4 to 0.

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 District grant projects and other Aquifer Science Team projects**
- iv. Update on the activities related to the SH 45 SW roadway project**
- v. Update on activities related to the HCP and the associated draft EIS**
- vi. Update on activities related to the Travis County PGMA**
- vii. Update on interim legislative activity**

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

4. Discussion and Possible Action.

3a3. Approval of an amendment to the professional consulting services contract with Holland Groundwater Management Consultants, LLC, to continue to support the pending Incidental Take Permit application and other management consulting services as warranted.

Mr. Dupnik stated that he would like to suggest one minor change in the contract on page 12 of the backup. He noted that the description of work under section II refers to Phases V and VI for HCP work, and he recommends adding the sentence “and other consulting services” to cover reviewing the Dripping Springs application, PGMA work, and other more specific tasks as assigned.

After discussion, Mr. Smith moved approval of Amendment No.5, to the contractual Agreement for Professional Consulting Services between the District and Holland Groundwater Management Consultants LLC, including the amendment to add “and other consulting services” in the first paragraph under section 2.

Ms. Stone seconded the motion and it passed unanimously with a vote of 4 to 0.

4a. Discussion and possible action related to reviewing the draft FY 2017 annual budget and fee schedule, and setting a public hearing.

Mr. Dupnik explained that this is the initial presentation of the budget, and an opportunity for the Director’s to give input and suggestions before a final draft is the subject of a Public Hearing on July 21st.

Ms. Wilson gave an overview of the draft FY 2017 Budget and answered questions.

After discussion, Mr. Smith moved to set a Public Hearing on July 21, 2016 for possible adoption of the FY 2017 Budget.

Ms. Stone seconded the motion and it passed unanimously with a vote of 4 to 0.

Ms. Escobar gave an overview of the proposed revisions to the FY 2017 Fee Schedule.

After discussion, Mr. Smith moved to adopt the draft FY 2017 Fee Schedule for possible adoption at the Public Hearing on July 21st, and directed staff to make a recommendation for the “Special Fee.”

Ms. Stone seconded the motion and it passed unanimously with a vote of 4 to 0.

4b. Discussion and possible action related to consideration of a resolution stating the District’s position on the City of Dripping Springs TPDES permit application to authorized direct discharge of treated wastewater to Onion Creek in the contributing zone of the Barton Springs segment of the Edwards Aquifer.

Mr. Dupnik stated that at the last meeting the Board gave three charges.

- 1) Initiate a dialogue and meet with stake holders private and public involved with the Dripping Springs permit application

Progress: Mr. Dupnik informed the Board that they have reached out to the City of Dripping Springs, the Dripping Springs Water Supply Corporation (WSC), Representative Isaac and Commissioner Whisenant, to meet with them and describe the results of the flow loss study and the evidence of potential surface water interaction in connection with the Middle Trinity Aquifer within the downstream reach of Onion Creek. He noted that it is important information to get out there in order to inform all interested parties to form a conversation, and that a summary of the report had been provided to all of the people that we reached out to. He noted that he had not been successful in scheduling a meeting with the City of Dripping Springs and that they would like to spend some time reviewing the report before they will set a date. Mr. Dupnik reminded the Board that time is of the essence since the 30-day notice of the coming draft permit was just issued on June 17th meaning that, according to new TCEQ rules, a draft permit may be available as soon as July 17th. A meeting has been scheduled with Commissioner Whisenant on July 7th to present the results of the study, and staff will continue to seek meetings with Dripping Springs WSC and Representative Isaac.

2) Meet with TCEQ

Progress: Mr. Dupnik informed the Board that District staff met with TCEQ staff and their attorney and were told that the Dripping Springs Permit provisions would likely be similar to the Belterra permit. They encouraged the District to keep working with Dripping Springs and others to work towards an agreement before it becomes contested. They shared that they have not met with Dripping Springs as of yet and that this will be one of the first applications to go through the process of their new rules.

3) Draft a Resolution for Board consideration to oppose the permit application as proposed

Mr. Dupnik recommended meeting in Executive Session to consult with our attorney.

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 7:27 p.m. Ms. Stansberry stated that no final actions or decisions would be made while in Executive Session.

The Board reconvened into open session at 8:20 p.m. Ms. Stansberry stated that no final actions or decisions were made while in Executive Session.

The Board took a short recess and reconvened at 8:35 p.m.

Mr. Dupnik read the following included in a Resolution of the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District as the governing body of the District:

1. opposes approval by the TCEQ of the Dripping Springs TPDES direct discharge permit application as proposed;

2. more specifically expresses its current position on the application in the attached document titled “Summary of BSEACD Position on the TPDES Permit Application by the City of Dripping Springs”;
3. directs its staff to provide public comment to TCEQ that provides the scientific and policy justifications for opposing the proposed application;
4. directs its staff to continue working with TCEQ, the City of Dripping Springs, and other affected parties to produce an outcome that provides the City of Dripping Springs with sufficient additional wastewater treatment capacity, as warranted, and that maintains and protects the water quality and existing uses of Onion Creek and the Aquifers; and
5. requests that the TCEQ and the City of Dripping Springs delay action to allow time to conduct the scientific investigations necessary to a) better understand the degree and magnitude of surface water influence from Onion Creek on the Middle Trinity Aquifer and the nearby public water supply wells and b) to better inform the preliminary decision on the application.

Ms. Stone moved approval of Resolution #063016-01 as outlined by Mr. Dupnik.

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

5. 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. Dorsett reported the following:

Attended the Creedmoor Maha Board Meeting
Met with staff

Ms. Stone reported the following:

Attended a legislative committee meeting
Attended a Dripping Springs Community Meeting

Ms. Stansberry reported the following:

Attended a legislative committee meeting
Dripping Springs Committee conference call

Mr. Smith reported the following:

Attended the Texas Aquifer Conference
Attended the Regional Water Quality Plan Working Group

6. Adjournment.

Without objection, Ms. Stansberry adjourned the meeting at 8:40 p.m.

Approved by the Board on July 21, 2016:

By: Blayne Stansberry Attest: Tammy Raymond
Blayne Stansberry, President Tammy Raymond, Deputy Secretary