

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting & Public Hearing  
October 23, 2014**

Board members present at commencement: Bob Larsen, Craig Smith, and Blake Dorsett. Mary Stone was absent. Staff present: John Dupnik, Brian Smith, 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 6:00 p.m., noting that a quorum of the Board was present.

**2. Citizen Communications (Public Comments).**

There were no 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 October 9, 2014, Regular Meeting.**
3. **Approval of the staff's individual incentive compensation projects for FY 2015.**
4. **Approval of records disposition according to the TSLAC-approved District Records Retention Schedule.**
5. **Approval of a contract with the University of North Carolina at Chapel Hill's School of Government to provide support for the District's evaluation of permittee rate structures.**

Mr. Dupnik briefed the Board on the consent agenda items above.

Dr. Larsen requested to move item 3a.5 to the regular agenda for discussion.

Mr. Smith moved approval of consent agenda items 3a. 1 through 4 as presented, noting an invoice from Hicks and Co. in the amount of \$21,071.26.

Mr. Dorsett seconded the motion and it passed with a vote of 3 to 0.

#### **4. Public Hearing. (6:15)**

**The Board will hold a Public Hearing on an application filed by The Lady Bird Johnson Wildflower Center, located at 4801 La Crosse Blvd., Austin, TX 78739, on March 20, 2014, for a Historical Production Permit to withdraw up to 6,700,000 gallons of water annually from an existing Middle Trinity Aquifer well located on the above-referenced property to be used for solely for irrigation.**

Dr. Larsen opened the Public Hearing at 6:16 p.m.

Ms. Bell-Enders explained that the Wildflower Center requested a Historical Middle Trinity Production permit to withdraw 6,700,000 gallons/year that will be used for the purpose of irrigating the plants and landscaping throughout the property and that the requested volume was commensurate with the District-calculated demand estimates. She said that groundwater will be utilized in conjunction with rainwater collection infrastructure and City of Austin water to meet ongoing irrigation needs. She stated that a pump test was conducted in accordance with the District's guidelines and had no effect on the two wells that were monitored.

Ms. Susan Reiff thanked the staff for working with them on the process. She said that they use 5 million gallons of water each year and did not want to continue to use potable water from the City of Austin. She also said that they would use rainwater first and then tap into the Trinity.

Mr. Smith asked if the water quality from the Trinity would be sufficient for all their plants.

Mr. Mike Alkowitz said that he believed that the water would be fine for all of the plants, but in the case of a chemical imbalance from rainwater and Trinity water, they would mix City of Austin water as well.

There were no public comments; therefore, Dr. Larsen closed the Public Hearing at 6:32 p.m.

#### **5. Discussion and Possible Action.**

**5a. Discussion and possible action related to an application filed by The Lady Bird Johnson Wildflower Center, located at 4801 La Crosse Blvd., Austin, TX 78739, on March 20, 2014, for a Historical Production Permit to withdraw up to 6,700,000 gallons**

**of water annually from an existing Middle Trinity Aquifer well located on the above-referenced property to be used for solely for irrigation.**

Ms. Bell-Enders stated that staff recommended approval of the Historical Production Permit to withdraw 6,700,000 gallons annually from the Middle Trinity Aquifer. She also stated that they were requesting a variance to the rule that would delay the effective date of the permit while in drought and to allow use of the water immediately.

Mr. Smith moved approval of the Historical Production Permit to withdraw up to 6,700,000 annually from the Middle Trinity.

Mr. Dorsett seconded the motion and it passed with a vote of 3 to 0.

Mr. Smith moved to grant a variance allowing the Wildflower Center to begin using the water immediately.

Mr. Dorsett seconded the motion and it passed with a vote of 3 to 0.

**3a5. Approval of a contract with the University of North Carolina at Chapel Hill's School of Government to provide support for the District's evaluation of permittee rate structures.**

Mr. Dupnik explained that the purpose of the contact was to use the University of North Carolina as experts in the analysis of rate structures to comply with District Rule 3-6.1. He explained that this rule requires that permittees provide certification detailing their rate structures and how those structures achieve reductions in water demand during drought. The rule further requires the District to provide an analysis of the effectiveness of the rate structures using accepted utility guidelines.

Dr. Larsen stated that he did not agree with the District performing this work, or the District rule requiring this rate analysis.

Mr. Dorsett indicated that he concurred with Dr. Larsen.

Mr. Smith suggested that no action be taken since the contract's purpose was not supported by all of the Directors of the bare quorum. No action was taken.

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

Mr. Dupnik provided a summary of permittee pumping during September, the first full enforceable month of the current drought. He reminded the Board that the compliance evaluations during the first 3 months of drought were focused on egregious over pumpage by the high volume Tier 3 permittees. All Tier 3 permittees were in compliance, therefore no enforcement action was recommended.

No action was taken.

**5c. Discussion and possible action related to the staff's selection for FY14 Permittee of the Year.**

Ms. Bell-Enders stated that the staff recommends the Sage Hill Inn Above Onion Creek to receive the award of Permittee of the Year for the following reasons:

Rainwater Harvesting Implementation  
Native landscaping  
Monthly pumpage down and well under target  
Expanded the Inn and still using less water

Mr. Smith moved to select Sage Hill Inn of Onion Creek as the FY14 Permittee of the Year.

Mr. Dorsett seconded the motion and it passed with a vote of 3 to 0.

Mr. Dupnik stated that staff would notify the owners and invite them to the next Board meeting to receive their award.

**5d. Discussion and possible action related to the preliminary wastewater plans of the City of Dripping Springs including the prospect of direct discharge to Onion Creek.**

Mr. Dupnik provided an update on the recent HTGCD meeting where a resolution was considered to support the preliminary plans. He summarized his public comments which were:

- HB2046 was designed to answer the very complicated questions associated with wastewater management practices in the region. The decision on the appropriate methods and practices really require this type of regional perspective and analysis.
- A request of the HTGCD Board to reserve judgment on supporting any plans since nothing has been finalized at this point and that there were too many uncertainties that had yet to be resolved.
- A reminder of the District's past efforts to assist the HTGCD and a request of them to reciprocate as the upstream GCD and join the BSEACD in a more deliberate consideration of the City's plans before taking a position.

Despite the appeal, the HTGCD passed the resolution in support of the City's plans which include direct discharge. Mr. Dupnik indicated his intent to meet with the HTGCD Board members.

The Board took no action but indicated support of the message communicated by the General Manager and the intent to continue to meet with the relevant parties on this matter.

**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.**

- i. Personnel matters and utilization
- ii. Upcoming public events of possible interest
- iii. 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 interim legislative activity
- 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:**

Met with John Dupnik  
Attended the Creedmoor Maha Board Meeting

**Dr. Larsen reported the following:**

Met with the City of Buda, TDS and Onion Creek Club on two occasions  
Attended the TWCA Texas Water Conservation Fall Conference

**5e. Discussion and possible action related to an agreement with TxDOT and CTRMA in connection with proposed State Highway 45 Southwest and the 1990 Consent Decree.**

The Board adjourned into executive session as authorized by the Texas Government Code Section 551.071 Consultation with Attorney at 7:28 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 8:10 p.m. Dr. Larsen stated that no actions or decisions were made while in Executive Session.

No Board action was taken.

**6. Adjournment.**

Without objection, Dr. Larsen adjourned the meeting at 8:11 p.m.

Approved by the Board on November 20, 2014:

By:   
Robert D. Larsen, Acting President

Attest:   
Craig Smith, Secretary