

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
May 13, 2010**

Board members present at commencement: Bob Larsen, Mary Stone, Gary Franklin, Jack Goodman, and Craig Smith. Staff present: Kirk Holland, Robin Gary, John Dupnik, Brian Smith, Brian Hunt, Dana Wilson, and Tammy Raymond. Mr. Bill Dugat of Bickersaff also participated. 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's called the meeting to order at 6:04 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.

4. Regular Meeting: New Business.

4a. Discussion and possible action on recognizing Ms. Maria Vice, the winner of the 2010 College Scholarship Essay Award, and on presenting the summer water camp scholarships.

Dr. Larsen presented Maria Vice her College Scholarship award for her winning essay, and then presented certificates to the winners of the summer water camp scholarships in attendance: David Pratter, Joshua Collins, and Jurnee Jackson; the other camp scholarship winner, Joshua Gilmore, was unable to attend.

4b. Discussion and possible action related to authorizing a canvass of the Election Results for Precinct 2 and specifying a schedule.

Mr. Holland stated that Gary Franklin, the current Director of Precinct 2, is the unofficial winner of the Election and that the final results would be in on Monday, May 17th.

The Board appointed Ms. Stone and Mr. Goodman as the Canvassing Board, with a quorum of two being authorized per state law, for canvassing the Election; they selected the canvass to be held on Tuesday, May 18th at 10:00 a.m.

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 from the April 22, 2010, Regular Board Meeting.**

Mr. Goodman moved approval of the consent agenda as stated above.

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

- 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 on them in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.

1. **Personnel matters and utilization;**
2. **Upcoming public events of possible interest;**
3. **Aquifer conditions and status of drought indicators.**
4. **Discussion related to current staff work areas and specific activities of staff teams and directors.** 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.

Mr. Holland and staff updated the Board and answered directors' questions on the teams' activities concerning the items listed above.

5. Advisory Committee and Public Inputs: Potential Desired Future Conditions for Groundwater Management Area 10.

Mr. Kent Butler gave the Board updates on the HCP Policy Advisory Committee (PAC) and Citizens Advisory Committee (CAC) meetings held to discuss the DFCs.

Mr. Bill Bunch, representing Save Our Springs Alliance, requested that the Board set a DFC that would protect springflow. He also stated that he understood the timeline driven by the State but asked that the decision not be rushed and to give as much time as possible to digest the information given out at the meeting.

Ms. Nancy McClintoch and Mr. David Johns, representing the City of Austin, said that they really appreciate the work that the District has done. She presented a graph from real data collected since the 1970s showing the effects of low flow at Barton Springs on dissolved oxygen concentrations, with one extrapolation of the relationship to flows below 20 cfs. She said that the City recommends a DFC that would protect the salamander and asked the Board to take as much of a conservative stance as the law allows.

Ms. Jennifer Walker, representing the Sierra Club, thanked the Board for the PAC and CAC process and stated that she supports the City of Austin's recommendation urging the Board to be as conservative as possible.

6. Regular Meeting: Continued Business.

6a. Discussion and possible action on the staff recommendation for a preliminary DFC for the Edwards Aquifer in the Northern Subdivision of GMA 10, and setting a Public Hearing attendant to establishing a Board-recommended Desired Future Condition.

Mr. Holland gave a powerpoint presentation on the rationale for the staff recommendation for setting a DFC, including a dual DFC for the Edwards in the Northern Subdivision of GMA 10. He recommended a lower cap with a range of DFCs from 5-7 cfs of DOR springflows, and an upper-cap DFC expression that produced an upper-cap MAG range of 14-16 cfs, as preliminary DFCs.

After discussion, Mr. Smith moved to accept the staff recommendation for preliminary DFCs of the Edwards in the Northern Subdivision; Mr. Franklin seconded the motion and it passed with a vote of 5 to 0.

After further discussion, in which the desire to get public input on as wide a range of DFCs as reasonably feasible was expressed by Board members, Mr. Smith moved to set a Work Session of the Board on Saturday, May 22nd from 9 to noon and to have staff present a summary of the potential implications of setting a drought-of-record DFC for the Barton Springs segment in a range between 5 and 10 cfs, and the implications of setting a full-time, all-conditions DFC between 14 and 20 cfs.

Mr. Franklin seconded the motion, and it passed with a vote of 4 to 1, with Dr. Larsen opposing on the stated basis of the range was excessive and beyond the staff recommendation..

6b. Discussion and possible action on staff-recommended preliminary DFC for the Edwards Aquifer(s) and for the Saline Edwards Aquifer, and setting a possible public meetings/hearings attendant to establishing Board recommendations to GMA 10 on Desired Future Conditions for those relevant aquifers.

Mr. Smith moved to adopt a trial DFC for the non-saline Upper Trinity, Middle Trinity, and Lower Trinity Aquifers, and the Saline Edwards in GMA-10 as set out in the trial DFCs suggested by staff.

Mr. Goodman seconded the motion.

After discussion, Dr. Larsen called for a vote and the motion passed unanimously with a vote of 5 to 0.

Mr. Franklin moved to hold a Public Hearing on May 27, 2010 in the regular meeting of the Board for the purpose of receiving comments from the public on the preliminary DFCs put forth for discussion and approved by the Board for public hearing.

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

6d. Discussion and possible action concerning the change requested by Hays Co. WCID No. 1 to its settlement agreement with the District.

Mr. Dugat gave a brief update to the Board.

No action was taken.

6c. Discussion and possible action on a decision concerning the City of Kyle's Re-hearing Request related to the previous Board action on amending its production and transport permits.

The Board adjourned into Executive Session at 9:00 p.m.; Dr. Larsen stated that no actions would be taken while in Executive Session.

The Board reconvened at 9:40 p.m.

Mr. Bill Bunch of Save Our Springs Alliance asked the Board to deny the re-hearing request.

Mr. Jason Hill, Attorney for the City of Kyle asked the Board to grant the re-hearing request.

Ms. Stone moved denial of the City of Kyle's motion for a re-hearing.

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

7. Adjournment.

Dr. Larsen adjourned the meeting at 9:55 p.m.

Approved by the Board:

By: Mary Stone
Mary Stone, Vice President

Attest: Gary Franklin
Gary Franklin, Secretary