

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
October 8, 2009**

Board members present at commencement: Robert Larsen, Gary Franklin, and Craig Smith. Jack Goodman arrived at 6:56 p.m. and Mary Stone was absent. Staff present: Kirk Holland, John Dupnik, Robin Gary, Brian Smith, Brian Hunt, Dana Wilson and Tammy Raymond. Bill Dugat of Bickerstaff, Heath 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 called the meeting to order at 6:03 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 related to approval of the 2009 Conservation Credits.

After discussion, Mr. Franklin moved to approve the 2009 Conservation Credits as tabulated by the staff, and revised the budget up to \$20,000 to accommodate the larger amount of credits during the past drought year.

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

Mr. Smith also moved to direct staff to seek voluntary commitments of some or all of the Conservation Credits to support youth scholarships to the Edwards Aquifer Research and Data Center's Summer Aquatic Sciences Adventure Camp.

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

4b. Discussion and possible action on selection of the winners of this year's Groundwater Stewardship Awards.

Mr. Smith moved approval of the following winners of the FY2009 Groundwater Stewardship Awards.

- a. Water Quality Protection: American Youth Works, Environmental Corps (led by Park Smith)

- b. Research: The biologists of the Salamander Research Team of the City of Austin's Watershed Protection Department (Dr. Laurie Dries and Dee Ann Chamberlain)
- c. Water Conservation: Slaughter Creek Acres (led by Glen Larkin and Mike Dorsey)
- d. Education: KXAN-TV Weather meteorologists Jim Spencer and Natalie Stoll
- e. Permittee of the Year: Jack C Hays High School.

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

Due to the lack of response to this year's Stewardship Awards, Mr. Smith moved to change the awards from yearly to every three years with the next awards to be given in 2012.

Mr. Franklin seconded the motion.

After discussion, Mr. Smith amended his motion to set the awards to every two years, keeping the permittee of the year award annually.

Mr. Franklin accepted the amendment to the motion and it passed unanimously with a vote of 3 to 0.

4c. Discussion and possible action related to written comments on the TCEQ-proposed watershed rules for direct-discharging of treated effluent to the Barton and Onion Creek watersheds, including the Contributing and Recharge Zones of the Edwards Aquifer.

Mr. Dugat gave an update on the TCEQ draft watershed rules concerning direct discharges to Barton and Onion Creeks, and the staff's preparation of written comments due on October 14th.

No Board action was required.

Mr. Goodman arrived at 6:56 p.m.

4d. Discussion and possible action related to the TCEQ Executive Director's report and recommendations concerning the provision of GCD protection to areas in the Hill Country Priority Groundwater Management Area that are currently outside GCD jurisdictions, including southwestern Travis County.

Mr. Dugat and Mr. Dupnik updated the Board on the TCEQ draft report and recommendations concerning the annexation of southwestern Travis County.

After discussion, Mr. Smith moved to direct staff to prepare a draft response to the TCEQ Executive Director's report, to include topics discussed in the Board meeting, and to bring them back for Board review at the October 22nd Board meeting.

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

4e. Discussion and possible action related to the Board's intended involvement in the approval of Desired Future Conditions for GMAs 9 and 10.

After discussion, Mr. Smith moved to authorize sending a letter signed by the President to GMA-10 designating Kirk Holland as an alternate representative if the Board president is not able to attend, and to appoint Brian Hunt as the alternate representative of GMA-9. Also this motion included a requirement that specific recommendations of this District on the DFCs for any of the aquifers included in the regulatory sphere of the Groundwater Management Areas, need to be approved by the board before any recommendations are made to the GMAs.

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

5. Regular Meeting: Continued Business.

5a. Discussion and possible action on recommendations concerning the District's stance on use of treated effluent as an alternate water supply for Centex and Texas Lehigh.

Mr. Dupnik updated the Board on discussions with the City of Buda, Centex, and Texas Lehigh concerning the possible use of using treated effluent as a substitute water source for portions of their industrial operations.

No Board action was required.

5b. Discussion and possible action on approving staff recommendations on the technical advisory committee for well construction standards.

Mr. Smith moved approval of the Technical Advisory Committee for well construction standards recommended by staff.

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

5c. Discussion and possible action related to the Critical Stage Drought management program of the District, including 1) compliance by District permittees with their User Drought Contingency Plans in September 2009, and 2) developments concerning enforcement actions for non-compliant permittees, including the agreed order with Ridgewood Village Water Systems, other ongoing enforcement actions, and possible initiation of additional enforcement actions as warranted.

Mr. Dupnik updated the Board on the drought compliance of permittees in September and was happy to report that only three permittees were non-compliant with their UDCPs, and they were only slightly out of compliance.

Mr. Holland reported that on October 14th Stenger Ridgewood would make their final proposal to Water District 10 for annexation of 97 connections, and we would know more by the next Board meeting.

5d. Discussion and possible action related to status and progress on the contested-case SOAH proceedings associated with the TCEQ preliminary decision on the TLAP for Jeremiah Venture, L.P.

Mr. Dugat gave a status update on the contested case hearing.

5e. Discussion and possible action related to status and progress on the contested-case before the District associated with the City of Kyle permit amendments. [Note: no action on approving or not approving these amendments will be taken in this meeting.]

There was no discussion or action required. The Board elected to leave this item off of future agendas until the contested case hearing is held, unless specific discussion or action was needed.

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 September 24, 2009 Regular meeting.**
 3. **Approval of Brian Hunt's attendance of a short-course titled "Environmental Isotopes in Ground Water Resources and Contaminant Hydrogeology" offered by the National Groundwater Association in New Orleans on December 8-9.**
 4. **Approval of practice of considering only the District's contribution expense exceeding \$5000, if and as applicable, in bills from Blue Cross-Blue Shield as requiring Board approval.**

Mr. Goodman moved approval of the consent agenda as stated above, noting two invoices from Bickerstaff in the amount of \$9616.30 and \$9472.11, along with ones from TML in the amount of \$8015.11, and from C Tech Development in the amount of \$8437.50.

Mr. Franklin seconded the motion and it passed unanimously with a vote of 4 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 deliberate or take any action on them in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.

1. Personnel matters, current staff work areas, and utilization
2. Upcoming public events of possible interest
3. Aquifer conditions and status of drought indicators.

Mr. Holland reported on the items above.

b. Discussion related to 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.

1. Grant project updates
2. Technical Team update
3. Update on drought education and outreach campaign
4. Update on preliminary FY2010 individual objectives for staff members
5. Update on desalination facility feasibility study.

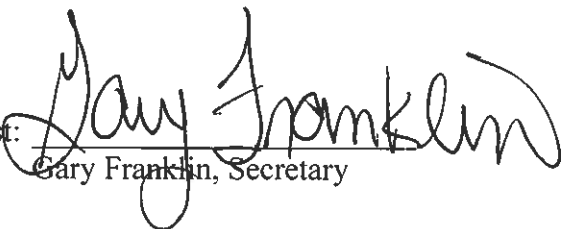
Mr. Holland and staff updated the Board on the teams' activities concerning the items listed above. None of these topics were moved to the regular agenda for possible action, as no action was required.

6. Adjournment.

Dr. Larsen adjourned the meeting at 8:43 p.m.

Approved by the Board:

By: 
Dr. Robert Larsen, President

Attest: 
Gary Franklin, Secretary