

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting & Public Hearing
December 14, 2017**

Board members present at commencement: Blayne Stansberry, Bob Larsen, and Craig Smith. Blake Dorsett arrived at 6:33 p.m. Mary Stone was absent. Staff present: John Dupnik, Brian Smith, Dana Wilson, Robin Gary, Kendall Bell-Enders, and Tammy Raymond. Bill Dugat of Bickerstaff, Heath, Delgado, and Acosta 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.

President 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 of a General Nature).

There were no comments of a general nature.

4. Presentation.

Presentation by the District's financial auditor on the FY 2017 Annual Financial Audit Report.

Mr. Archie Montemayor of Montemayor Britton Bender PC, stated that it was an honor to perform an audit on the District's financials. He went on to say that the report showed a "clean audit" meaning no weaknesses or deficiencies. After a short report he thanked the General Manager, Ms. Wilson, and staff on producing all documentation that was requested in a very timely manner. He said that it was a pleasure working with the District.

6a. Discussion and possible action related to receipt and approval of the FY 2017 Annual Financial Audit report provided by the District's financial auditor.

Director Larsen moved receipt and approval of the FY 2017 Annual Financial Audit report given by Mr. Montemayor.

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

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 November 16, 2017 regular Meeting.**

Director Smith moved approval of consent agenda items 1 and 2 noting an invoice from Bickerstaff in the amount of \$5662.35

Director Larsen seconded the motion and it passed unanimously with a vote of 3 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 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. **Review of Status Update Report – at directors' discretion**
- ii. **Update on GMA and regional water planning**
- iii. **Update on regulatory and enforcement activities**
- iv. **Update on District grant projects and other Aquifer Science Team projects**
- v. **Update on the HCP/ITP application and the associated draft EIS**
- iv. **Update on Board committee activity**

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

5. Public Hearing

The Board will hold a Public Hearing on an application filed by Trinity Episcopal School, 3901 Bee Caves Road, Austin, Texas 78746, for a Production Permit application to withdraw up to 4,200,000 gallons of water annually from the Middle Trinity Aquifer from

a new well located at 3901 Bee Caves Road (30.279142°, -97.809654°) to be used to irrigate the property including the sports fields.

President Stansberry opened the Public Hearing at 6:34 p.m.

Ms. Bell-Enders stated that the Trinity School is approximately 15 acres. The campus includes two sports fields, other minor turf areas, as well as landscape beds, six buildings, parking lots, and an outdoor pavilion. She said that they currently get their water from Travis County WCID #10. The school decided to drill a Middle Trinity well because it will be a more affordable option than using potable water. She went on to say that 4.2 million gallons will accommodate future growth of the campus. They filed for a drilling authorization in December 2016 and the well was drilled and completed in June. The school plans to use the water solely for irrigating the campus. The amount requested is over 2 million so they were required to conduct an aquifer test and submit a hydrogeologic report. The report showed very little to no impacts to surrounding wells. All application materials were completed in a timely manner, and proper 20-day notice and comment period was given. There were two written comments submitted on the application.

President Stansberry asked about the water quality in the Middle Trinity and it was determined that it was fairly good. She asked if there are any other wells in the area.

Ms. Bell-Enders said that there were a handful of notices sent to surrounding well owners but that were mostly old wells that are not being used any longer.

Director Larsen asked how much of a cost difference there would be between WCID #10 and a Trinity well.

Mr. Dale Blankenship answered that they are hoping to save roughly 75% of what they are paying now. He said that in the summer they pay \$2000 to \$4000 a month depending on the heat. He then explained that they just completed their Master Plan and purchased an additional 3 acres for a total of 21. He said that the additions were factored into the 4.2 million and that they would not use that amount for some time. He said that the school was built in 1999 with 6 buildings serving 364 families, 534 students and 123 faculty and staff. They have a total of 14 sports teams that use our fields throughout the year. Trinity has a "no cut policy" and their philosophy is "each child each day." If any student wants to be on a sports team they are on it. If a child wants to be in a fall play they are in it, because of that they have a huge need for a sports facility. They are also members of the Austin Inter Parochial League which include 21 schools. All of these schools visit our campus during the year for basketball, baseball, soccer, lacrosse, pretty much any sport you can think of we are part of. They serve a big number of people and just finished building a field that is barely regulation size. They have been using Travis WCID for years and are using treated water for the field. They do not believe that is good for the field or the environment. They have regular checks for leaks etc., and want to be good stewards of the water.

President Stansberry stated that there were no public members present to comment but that two letters were received.

Mr. Dupnik stated that for the record we received two comment letters during the comment period. The first notice was received on the 11th from Ms. JoAnn Howard, a well owner within a half mile that received notice, objected to the well, and initially requested a contested case hearing.

The next comment was received from Janet Kellogg, a well owner within a half mile that received notice. She is a resident of Easy St. and objected to the request.

Ms. JoAnn Howard withdrew her request for a contested case hearing on the 13th but still objected.

President Stansberry stated that she believes that because the school is a community resource she feels that it is a beneficial use of the water.

Mr. Blankenship stated that they explored artificial turf and were told that they could not use it because of impervious cover. They also explored trying to turn some of the storm water filtration system into rainwater collection, and were told again that they could not do that because there is no precedent and would be taking away from the detention volume. According to TCEQ, grass is their only option.

President Stansberry closed the Public Hearing at 6:56 p.m.

6. Discussion and Possible Action.

6b. Discussion and possible action related to an application filed by Trinity Episcopal School, 3901 Bee Caves Road, Austin, Texas 78746, for a Production Permit application to withdraw up to 4,200,000 gallons of water annually from the Middle Trinity Aquifer from a new well located at 3901 Bee Caves Road (30.279142°, -97.809654°) to be used to irrigate the property including the sports fields.

Director Larsen asked about the Howard and Kellogg letters and if anyone has investigated their complaints that the school is using too much water and is there is any validity in what they say.

Ms. Bell-Enders said that people look at 4.2 million gallons of water for irrigation and they take offense to it. She said that we feel confident that based on their irrigated area, the 4.2 million gallons is commiserate with actual reasonable demand. We have a methodology that we feel very confident in and that it is a reasonable volume.

Director Larsen asked if staff had any discussions with Howard and Kellogg.

Ms. Bell-Enders answered yes, she directed Ms. Howard to our rules on a contested case hearing, and explained our methodology on how the volume is determined to Ms. Kellogg.

Director Larsen asked if either of them gave an amount they thought would be reasonable.

Ms. Bell-Enders stated that they did not mention an amount.

President Stansberry asked if staff has a recommendation.

Ms. Bell-Enders stated that staff recommends approval of the Trinity School production permit for the 4.2 million gallons annually and feels like it is commiserate with demand.

Director Smith moved approval of the well drilling application filed by Trinity Episcopal School to withdraw up to 4,200,000 gallons of water annually for irrigation.

Director Larsen seconded the motion and it passed unanimously with a vote of 4 to 0.

6c. Discussion and possible action related receiving committee recommendations and selecting the Groundwater Stewardship Award winners and approving the staff's selection for Permittee of the Year.

Ms. Gary stated that the Board subcommittee of President Stansberry and Director Stone voted for the following awards to be given:

Aquifer Advocate – Will Conley
Education - City of Austin, PARD, Sheffield Education Center
Lifetime Research – Dr. Jack Sharp
Innovation – CoA Education Cave Restoration Team

She explained that there were no nominations submitted for Water Quality Protection this year.

Director Smith stated that he would like to nominate Wes Pitts of Protect Our Water Group, if there were no objections.

After discussion, Director Larsen seconded the motion and it passed unanimously with a vote of 4 to 0.

Director Smith moved approval of the all five of the nominations as stated.

Director Larsen seconded the motion and it passed unanimously with a vote of 4 to 0.

Ms. Bell-Enders explained that staff recommends Ruby Ranch Water Supply Corporation as the Permittee of the Year. She said that they have been a collaborating partner with the District and they are the first permittee within the District, and the fourth entity in the State, to move forward with conducting an ASR pilot project.

After discussion, Director Smith moved approval of giving Ruby Ranch WSC the Permittee of the Year award.

Director Larsen seconded the motion and it passed unanimously with a vote of 4 to 0.

6d. Discussion and possible action related to approving the District's FY 2017 Annual Report and submitting it to the TCEQ.

Mr. Dupnik stated that District's Bylaws require that the Board President or General Manager report on the status and the District's programs annually to the Board and the TCEQ. He reported on the five specific items.

After discussion, Director Smith moved approval of the FY 2017 Annual Report with Appendices A & B, and submittal to TCEQ.

Director Larsen seconded the motion and it passed unanimously with a vote of 4 to 0.

6e. Discussion related to the District's award of accreditation through the State comptroller's Transparency Star program.

Ms. Wilson gave a presentation on the process that was taken to obtain a Transparency Star and what it will take to retain it.

Mr. Dupnik stated that he was pleased to announce that our District was the first Groundwater Conservation District in the State to obtain a Transparency Star from the State Comptroller's office, and that he was proud of the accomplishment and hard work by Ms. Wilson and her team.

6f. Discussion and possible action related to the City of Dripping Springs TPDES permit application to authorize direct discharge of treated wastewater to Onion Creek in the contributing zone of the Barton Springs segment of the Edwards Aquifer.

Mr. Dugat gave an update on the settlement agreement between the City of Dripping Springs and the City of Austin. He said that on December 5th the City of Dripping Springs approved the agreement, but that the City of Austin City Council did not act on it at their meeting. He also said that December 8th was the last date to file a contested case hearing, and gave an estimated timeline.

President Stansberry stated that the Board would meet in Executive Session as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney) at 7:54 p.m. President Stansberry stated that no final actions or decisions would be made while in Executive Session.

The Board reconvened into open session at 8:49 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

6g. Discussion and possible action related to the annual election of the officers of the BSEACD Board of Directors.

Director Larsen moved to keep the current officers as stated.

President – Blayne Stansberry
Vice President – Craig Smith
Secretary – Blake Dorsett.

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

7. Directors' Reports.

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;
- Committee formation and updates;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Commendations; and
- Issues or problems of concern.

The Directors individually provided an update on recent meetings and conversations they have had related to District business or of interest to the District.

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

Approved by the Board on January 11, 2018

By: Blayne Stansberry Attest: Blake Dorsett
Blayne Stansberry, President Blake Dorsett, Board Secretary