

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting  
January 14, 2016**

Board members present at commencement: Blayne Stansberry, Blake Dorsett, Mary Stone, and Bob Larsen. Craig Smith arrived at 6:14 p.m. 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 6:00 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.

**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 December 17, 2015 Regular Meeting.**
3. **Approval of out-of-state travel for the General Manager, John Dupnik, to attend and present as an invited speaker at the California Groundwater Association's workshop on the Roles of Models and Data in Implementing the Sustainable Groundwater Management Act in Davis, California on February 8-9, 2016.**

Ms. Stone moved approval of Items 3a. 1 through 3, noting an invoice from Bickerstaff in the amount of \$6118.20.

Mr. Dorsett seconded the motion and it passed unanimously 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. **Review of Status Update Report – at directors' discretion**
- ii. **Update on activities related to GMA and regional water planning**
- iii. **Update on ongoing and prospective District grant 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**

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

### **4. Discussion and Possible Action.**

#### **4d. Discussion and possible action related to selection of the first-choice firm and authorization to negotiate engagement of an accounting firm to perform financial auditing services.**

Mr. Archie Montemayor of Montemayor Britton Bender PC thanked the Board for considering their firm to perform the District's financial audit.

Mr. Dupnik reported that a Request for Qualifications was posted and two firms responded with qualifications and proposals. Both of the firms were interviewed and invited to submit proposals which were scored and ranked by staff. Mr. Dupnik informed the Board that Montemayor Britton Bender PC was the top ranked proposal and recommended it as the first-choice firm to perform the District's audit.

Ms. Stone moved to authorize the general manager to negotiate and execute an engagement letter with Montemayor Britton Bender PC to provide auditing services to the District.

Dr. Larsen seconded the motion and it passed unanimously with a vote of 5 to 0.

**4a. Discussion and possible action related to applications filed on August 19, 2015 by the City of Buda, 121 Main Street, Buda, Texas 78610 for a well modification authorization to permanently complete a test well and a minor amendment to add the well to an existing aggregate well system and produce groundwater from the freshwater Edwards Aquifer under the existing Historical Production Permit authorized for 275,000,000 gallons of aggregate production per year.**

Ms. Escobar explained that the City of Buda is requesting approval of a well modification authorization to permanently complete a previously constructed test well in the Edward Aquifer, and to allow a new well to be placed in an aggregate system within an existing Historic Edwards Production Permit of up to 275,000,000 gallons/year for a Public Water Supply. She said that the application is considered a minor amendment, and that staff has reviewed the application and has determined that the application has satisfied all of the requirements pursuant to District Rule 3-1.4.A, and that the required documentation and payment of fees have been satisfied. Staff has determined that aquifer testing and a Hydrogeological Report will be necessary to support the minor amendment, and are recommended as special conditions to asses any potential for unreasonable interference with existing wells. She also stated that the applicant filed the proper notice requirements and comment period. The District received one comment from a neighboring property owner and staff corresponded with the property owner in regards to monitoring their well during the aquifer test. No formal protests were filed.

Ms. Escobar stated that staff recommends approval of the well modification authorization application and recommends approval of the minor amendment to include the additional well in the permittees aggregate system with the following special conditions.

1) Upon Board approval of the well modification application, the permittee will receive authorization to modify the well. This authorization is effective upon the date of Board approval and will expire on year from date of approval.

2) Prior to producing any groundwater for Public Water Supply use, the Permittee will conduct an aquifer test and complete a Hydrogeological Report in accordance with the District's rules and guidelines. Upon receiving a completed Hydrogeological Report from the permittee, the District's General Manager will review the Hydrogeological Report for consideration of District Rule 3-1.6.A4, related to unreasonable interference with existing wells and will provide a determination within thirty (30) days.

a. In the event that the General Manager determines that the aquifer test indicates potential for unreasonable interference with existing wells pursuant to District Rule 3-1.6.A.4, the District will provide notice to the Permittee that the Board will consider a staff-initiated amendment to adjust or limit the operating capacity of only this new well to prevent any unreasonable interference.

b. In the event that the General Manager determines that the aquifer test does not indicate potential for unreasonable interference with existing wells, this special provision will be satisfied, will expire, and the well will be authorized for production under the existing freshwater Edwards Historical Production Permit.

Upon satisfaction of these special conditions, the provisions would expire and be removed in a subsequent renewal.

After discussion, Dr. Larsen moved approval of the City of Buda well application and minor amendment with the Special Provisions stated in the record by Ms. Escobar.

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

Mr. Brian Lillibridge, from the City of Buda, thanked the staff for working with them on this application and for the Board's approval.

**4b. Discussion and possible action related to approving the latest edited version of the District's Draft Habitat Conservation Plan in response to latest review comments by the Austin Ecological Services office of the US Fish and Wildlife Service.**

Mr. Holland provided an update and overview of what has taken place since the application was received by USFW Service. He then gave a presentation of a summary of changes to the draft Habitat Conservation Plan (HCP) document and draft Environmental Impact Statement (EIS).

Mr. Dupnik gave an update on "What's next" including steps that will need to be taken in order for the HCP to become finalized and a permit issued.

After discussion, Mr. Smith moved approval of the latest draft revisions of the HCP and authorized submittal to the USFW Service with the changes.

Dr. Larsen seconded the motion and it passed unanimously with a vote of 5 to 0.

**4c. Discussion and possible action related to comments received during the public hearing comment period on proposed Desired Future Conditions and Non-relevant Aquifer Designations for Groundwater Management Area 9.**

Mr. Dupnik stated that the District held a Public Hearing and 90 day comment period on GMA-9 proposed Desired Future Conditions (DFCs) and non-relevant aquifer designations as required. He went on to say that only one verbal comment was received by Bill Bunch of save our Springs Alliance.

He then asked for Board approval of the summary of comments as written in the backup to be submitted to GMA 9 as the Proposed DFC Public Hearing Summary.

Ms. Stone moved approval of the summary of comments received during the public hearing comment period on the DFCs and Non-relevant Aquifer Designations to be submitted to GMA 9 as the Proposed DFC Public Hearing Summary.

Dr. Larsen seconded the motion and it passed unanimously with a vote of 5 to 0.

**4e. Discussion and possible action related to setting a policy for open and concealed carry of handguns on District property.**

Ms. Stansberry stated that this item would be returned to a future agenda for consideration.

**4f. Discussion and possible action related to establishing a Board subcommittee to review Groundwater Stewardship Award nominations.**

The Board subcommittee to review Groundwater Stewardship Award nominations consists of Ms. Stone and Ms. Stansberry.

No formal action was required.

**6. Adjournment.**

Without objection, Ms. Stansberry adjourned the meeting at 7:50 p.m.

Approved by the Board on January 28, 2016:

By: Blayne Stansberry  
Blayne Stansberry, President

Attest: Blake Dorsett  
Blake Dorsett, Secretary