

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
January 15, 2015**

Board members present at commencement: Bob Larsen, Mary Stone and Blayne Stansberry. Craig Smith and Blake Dorsett were absent. Staff present: John Dupnik, Brian Smith, Brian Hunt, 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 6:02 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments).

No public comments of a general nature were made.

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 18, 2014 Special Called Meeting and December 11, 2014 Regular Meeting.**
3. **Approval of a resolution authorizing the General Manager to execute certain contracts.**
4. **Approval of a resolution memorializing the Board action in the December 11, 2014 Board meeting appointing a Deputy Secretary and designating an Assistant Secretary.**
5. **Approval of a resolution to: 1) authorize the General Manager to submit a Research and Planning Grant Application to the Texas Water Development Board to perform a Regional Water Supply Plan that would potentially serve to provide alternative water**

supplies to entities within the District and 2) commit District resources to support the grant.

6. Approval of an interlocal agreement with the Cow Creek Groundwater Conservation District for purposes of Joint Planning within Groundwater Management Area 9 and preparation of and payment for the Desired Future Condition Explanatory Report.

Mr. Dupnik stated that he would like to take item 3a.5 off of the consent agenda and place it on the regular agenda for discussion. He then briefed the Board on the remaining consent agenda items above.

Ms Stone moved approval of consent agenda items 3a. 1,2,3,4 and 6 as presented, noting an invoice from Figer and Company in the amount of \$12,000, and Resolution #011515-01 and #011515-02.

Ms. Stansberry seconded the motion and it passed with a vote of 3 to 0.

4. Discussion and Possible Action.

4a. Discussion and possible action related to approval of an agreement with TxDOT in connection with proposed State Highway 45 Southwest and the Consent Decree and Partial Final Judgment in the matter of Save Barton Creek Association v. Federal Highway Administration (W.D. Tex. 1990).

Mr. Dugat provided an overview of the events and timeline leading to the draft agreement.

Dr. Larsen then called the following members of the audience that signed up to speak on the item.

Jim Camp - Citizen
Tom Nuckols – Travis County Commissioners Court
Roy Waley – Austin Sierra Club
Vikki Goodwin – Citizen
Kelly Davis – Save Our Springs Alliance (Gave her time to Bill Bunch)
Bill Bunch – Save Our Springs Alliance
Gail Whitfield – Citizen
Roger Baker – Citizen
Dick Kallerman – Barton Creek Conservancy
William Conrad – City of Austin
Chuck Lesniak – City of Austin
Barbara Rush – Travis County Commissioner Bridgid Shea’s office

The Board adjourned into Executive Session as authorized by the Texas Government Code Section 551.071 Consultation with Attorney at 6:54 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 7:20 p.m. Dr. Larsen stated that no actions or decisions were made while in Executive Session.

Ms. Stone moved for a three week delay with the item placed back on the February 12th agenda for possible action. She stated that the item would be on the January 29th agenda for discussion only, and opened a written comment period for submission to the District by January 30th.

Dr. Larsen stepped away from the gavel and seconded the motion. He moved back to the gavel and called for a vote.

The motion passed with a vote of 3 to 0.

4b. Discussion and possible action related to the Electro Purification Trinity well field located just outside of the District's boundaries.

Mr. Hunt gave a presentation on the technical information compiled on wells in the area of the Electro Purification Trinity well field.

Mr. Dupnik then provided a synopsis of the meeting held earlier that day between the four GCDs in the vicinity of the project. He suggested that the District's preliminary analysis was based on very limited information, and also suggested two potential concerns which were related to the local effects to area well owners from interference caused by the well field pumping, and the larger regional effects to GMA planning, and preservation of Trinity DFCs for GMAs 9 and 10.

Dr. Larsen then called the following members of the audience that signed up to speak on the item.

Lyle Knight – Citizen

Linda Kay Rogers – Hays Trinity Groundwater District

After discussion, Ms. Stone moved that the District support any technical resources to the "white spaces" on FM 150, and that our Executive Director (General Manager) continue to participate in discussions on solutions, and update and make recommendations to the Board.

Ms. Stansberry seconded the motion and it passed with a vote of 3 to 0.

After further discussion, Ms. Stansberry made a second motion and moved that the BSEACD Board prepare a letter to the City of Buda for their meeting on January 20th to discuss the contract negotiations with Electro Purification and ask them to delay any action until further data is available.

Ms. Stone seconded the motion and it passed with a vote of 3 to 0.

4c. Discussion and possible action related to pursuit of the District's legislative agenda including possible formation of a legislative subcommittee.

Mr. Brian Sledge and Shauna Fitzsimmons of Sledge Fancher PLLC, provided an overview of bills that have been filed and that may be of interest to the District.

4d. Discussion and possible action related to a request for an Attorney General opinion on regulatory authority of the District.

The Board adjourned into Executive Session as authorized by the Texas Government Code Section 551.071 Consultation with Attorney at 9:14 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 9:46 p.m. Dr. Larsen stated that no actions or decisions were made while in Executive Session.

No Board action was taken.

3a.5. Approval of a resolution to: 1) authorize the General Manager to submit a Research and Planning Grant Application to the Texas Water Development Board to perform a Regional Water Supply Plan that would potentially serve to provide alternative water supplies to entities within the District and 2) commit District resources to support the grant.

Dr. Smith explained that the District has \$250,000 in equipment, in-kind services, and budgeted cash to contribute to a grant. The consulting engineer on the grant application suggested the need for an additional \$25,000 commitment of cash to improve the grant application. This additional cash could be budgeted from Aquifer Science over the next two fiscal years, or could be contributed by other participating parties.

After discussion, Ms. Stone moved approval of Resolution #011515-03 with a change from 250,000 to 275,000.

Ms. Stansberry seconded the motion and it passed with a vote of 3 to 0.

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 noteworthy team activities
- ii. Update on regulatory and enforcement activities
- iii. Update on current Aquifer Science team projects
- iv. Update on efforts to characterize the saline zone of the Edwards Aquifer
- v. Update on activity related to area roadway projects
- vi. Update on the City of Kyle's remanded permit application

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

4e. Discussion and possible action related to the annual election of the officers of the BSEACD Board of Directors.

The Board delayed the annual election of officers until a full Board is present.

5. Adjournment.

Without objection, Dr. Larsen adjourned the meeting at 10:03 p.m.

Approved by the Board on January 29, 2015:

By: 
Robert D. Larsen, Acting President

Attest: 
Craig Smith, Secretary