

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting  
January 28, 2016**

Board members present at commencement: Blayne Stansberry, Craig Smith, Blake Dorsett, and Bob Larsen. Mary Stone was absent. Staff present: John Dupnik, Robin Gary, Vanessa Escobar, 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.**

Ms. Stansberry 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.

**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 January 14, 2016 Regular Meeting.**
3. **Approval of the effectiveness of Directors' communications with stakeholders and constituents for the 1<sup>st</sup> Quarter FY 2016 (September – November) per the collective judgment of the Board, as required by the District's Management Plan.**

Mr. Smith moved approval of Items 3a. 1 through 3.

Dr. Larsen 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. **Update on Team activities and highlights**
- ii. **Update on regulatory and enforcement activities**
- iii. **Update on current Aquifer Science Team projects**
- iv. **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**

**4a. Discussion and possible action related to preliminary District review of the proposed stormwater controls for State Highway 45 Southwest.**

Mr. Dupnik reported that he and Mr. Tom Hegemier had attended many meetings of the technical work group, and that Mr. Hegemier is finally able to begin his technical review in earnest. A Board subcommittee meeting was held on January 20<sup>th</sup> to provide an update on the review. With the conclusion of the TWG meetings, CTRMA had indicated their intent to initiate the 20 business day comment period on Tuesday, January 20<sup>th</sup> which will expire on February 16<sup>th</sup>. For the Board briefing, Mr. Dupnik said that Mr. Hegemier would layout technical comments at a high level, and then Mr. Hegemier would flag some of the specific things that deserve attention. Then, Mr. Dupnik would provide a high-level synopsis and elements that staff intends to incorporate into the draft comment letter. With the Board's direction on the comment letter element, Mr. Dupnik and Mr. Hegemier could set to work.

Mr. Hegemier stated that his review was based on documents provided on January 4, 2016 by the CTRMA design team, and relies on the "Consent Decree" and the District's Board Guiding Principles/Design Guidelines and Goals, to perform the stormwater quality assessment and prepare comments on the draft final construction plans, draft Water Pollution Abatement Plan, and the draft Environmental Compliance Management Plan. He went on to say that there were 11 meetings hosted by the CTRMA design team and included BSEACD, City of Austin, and Travis

County staff to detail the project approach and to improve the water quality protection plan. He said that the CTRMA project team modified construction plans and field requirements to minimize water quality impacts during and after construction. In closing he said that CTRMA team appears committed to delivering a project that minimizes water quality impacts.

Mr. Dupnik explained that he had provided a summary of the materials that Mr. Hegemier provided in the backup, and would like Board direction to draft a comment letter incorporating any recommending elements presented by staff, for consideration at the February 11<sup>th</sup> Board meeting.

Dr. Larsen stated that he likes to have all of the information in a timely manner in order to make sound decisions, therefore; he is not prepared to make any decisions at this meeting.

After Board discussion, it was decided that the best way to go forward is to have the subcommittee meet to discuss the staff recommendations as it relates to the elements of the draft comments on State Highway 45 Southwest, and to bring it back to the full Board on February 11<sup>th</sup>. At that time, if needed, the Board may give the subcommittee a chance to do some polish in a final meeting before the deadline of the 16<sup>th</sup>.

No formal action was taken.

**4b. Discussion and possible action related to receiving committee recommendations and selecting the Groundwater Stewardship Award winners and approving the staff's selection for Permittee of the Year**

Ms. Robin Gary stated that there were many nominations this year and for the first time had multiple nominations. The award subcommittee met and went through all of the nominations and suggested winners in each category.

Ms. Stansberry went through the chosen nominations.

**Lifetime Achievement Award:**

Jack Hollon

**Aquifer Advocate Award:**

Bill Johnson

**Water Quality Protection Award**

City of Sunset Valley

**Innovation Award:**

Zara Environmental

**Education Award:**

City of Austin Watershed Protection Department, Watershed Detectives Program

**Research Award:**  
Hill Country Studio

**Permittee of the Year:**  
Centex Materials

Ms. Stansberry stated that there were so many great choices, but they tried not to choose past winners.

Mr. Smith moved to approve the committee's recommendation for Groundwater Stewardship Award winners.

Dr. Larsen seconded the motion, but asked about the two legislators that were nominated for their work during the year.

Ms. Stansberry explained that Bill Johnson was selected because he received four nominations.

Dr. Larsen asked for us to have a different type of recognition for Jason Isaac and Will Conley.

Ms. Gary suggested a token of appreciation, and Mr. Dupnik agreed to follow-up with the idea.

Ms. Stansberry called for a vote, and the motion passed unanimously with a vote of 4 to 0.

Dr. Larsen moved to award Centex Materials as Permittee of the Year.

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

**4c. Discussion and possible action related to approval of rule concepts for implementation of HB 3405 and other legislation from the 84th Legislative Session including direction to initiate rule making and scheduling of a public hearing.**

Ms. Escobar explained that the main driver for initiating this round of rule making is focused on defining a framework to address unreasonable impact, and mitigation that could potentially arise from hydrologic evaluations that stemmed from HB 3405, among other needed changes. She explained that the timeframe suggested is to work on having a draft to share with a technical working committee in early February, then post a final draft on February 18<sup>th</sup>, have an agenda item to discuss it on February 25<sup>th</sup>, and possible adoption at a Public Hearing on March 10<sup>th</sup>.

Mr. Dupnik explained that this is the initial step and requested Board direction to move forward with the process that Ms. Escobar suggested.

Mr. Dorsett suggested removing a rule related to water utility rate structures while revisions are being made.

After discussion, Dr. Larsen moved to direct staff to move forward with a rule revision draft to post on February 18<sup>th</sup>, with a Public Hearing on March 10<sup>th</sup>, for possible adoption.

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

**4d. Discussion and possible action related to initiating an enforcement action on permittee, Taliaferro (T.J.) Higginbotham, for alleged violations of the conditions of the Production Permit.**

Ms. Stansberry stated that the Board would adjourn into Executive Session as authorized by the Texas Government Code Section 551.071 Consultation with Attorney at 7:50 p.m., and that no final actions or decisions would be made while in Executive Session.

The Board re-convened into open session at 8:13 p.m. Ms. Stansberry stated that no final actions or decisions were made while in Executive Session.

No Board action was taken.

**5. Directors' Reports.** *(Note: Directors' comments under this item cannot address an agenda item posted elsewhere on this agenda and no substantive discussion among the Board Members or action will be allowed in this meeting. Communications reported under this item may be used to support Performance Standard 4-1 of the District's Management Plan related to demonstration of effective communication with District constituents.)*

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

**Mr. Smith reported the following:**

Would attend the RWQPP meeting on Friday

**Ms. Stansberry reported the following:**

Attended meeting regarding redistricting  
Attended meeting on SH45

**Dr. Larsen reported the following:**

Attended a subcommittee meeting on SH45  
Attended a meeting on the HCP  
Attended the Onion Creek annual meeting  
Attended a meeting with South Austin Neighborhood Association

**Mr. Dorsett reported the following:**

Led a field trip of District staff to see the Creedmoor Maha artesian wells  
Attended a meeting with FEMA  
Met with Mr. Dupnik at Creedmoor Maha on SWIFT funding  
Attended the Creedmoor Maha Board meeting

**6. Adjournment.**

Without objection, Ms. Stansberry adjourned the meeting at 8:20 p.m.

Approved by the Board on February 11, 2016:

By: Blayne Stansberry Attest: \_\_\_\_\_  
Blayne Stansberry, President Blake Dorsett, Secretary